



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-3918-2016 (O&M)

Date of Reserve:- 25.08.2025

Date of Pronouncement:-02.09.2025

Mohan Lal

.....Appellant

vs.

State of Punjab & ors.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Kuldeep Sanwal, Advocate
for the appellant.

Mr. Ravneet Singh Joshi, DAG, Punjab.

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 08.05.2014 passed by learned Civil Judge (Junior Division), Pathankot whereby the civil suit filed by the appellant was dismissed and judgment and decree dated 01.09.2015 whereby the appeal filed by the appellant against the judgment and decree dated 08.05.2014, was also dismissed by learned Additional District Judge, Pathankot.

FACTS NOT IN DISPUTE

2. Brief facts of the case as per civil suit are that the appellant while serving in Punjab Roadways was dismissed from service by the Director State Transport Punjab, Chandigarh, vide order dated 29.06.2005 on the allegations that the appellant was on duty on bus bearing number 8815 of Punjab Roadways Pathankot to Amritsar and when the bus reached at Batala Bus Stand at 3:30, the appellate abused the booking clerk Sh. Mohinder Singh. Further that the appellant



had consumed liquor and quarreled with booking clerk Mohinder Singh and gave him a punch blow, who suffered injuries and his shirt was soaked in blood. On 30th October 2003, the appellant did not get his bus booked and started off to Pathankot. He was served with charge sheet to which he gave his reply. Thereafter, a departmental enquiry was ordered against the appellant and in enquiry, he was found guilty by Enquiry Officer and a show cause notice was served upon him to which he filed his reply. Thereafter he was dismissed from service by Director State Transport Punjab, Chandigarh, vide order dated 29.06.2005. The appellant then filed departmental appeal against order dated 29.06.2005 before the Appellate Authority, which was also dismissed on 24.02.2006.

3. The appellant filed civil suit challenging order dated 29.06.2005 whereby he was dismissed from service and order dated 24.02.2006 whereby his appeal against the termination order dated 29.06.2005 was dismissed, on the ground that no legal and valid enquiry was conducted and he was not given reasonable opportunity to defend himself. Further that no medical was conducted neither of him with respect to the allegation that he was under the influence of liquor nor of Mohinder Singh booking clerk with respect to the allegation that he suffered injuries at the hand of the appellant. No criminal case was registered against him at the instance of Mohinder Singh clerk.

4. The civil suit filed by the appellant was dismissed, vide judgment and decree dated 08.05.2014 passed by learned Civil Judge (Junior Division), Pathankot and the appeal filed against the same was also dismissed, vide judgment and decree dated 01.09.2015 passed by learned Additional District Judge, Pathankot. Hence, the present regular second appeal.

**SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES**

5. Learned counsel for the appellant contends that both the Courts did not appreciate the evidence on record and wrongly dismissed the civil suit as well as the appeal filed by the appellant.

6. Per contra, learned counsel for the respondents contends that there are concurrent finding against the appellant and both the Courts have rightly dismissed the civil suit as well as the appeal filed by the appellant.

7. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

ANALYSIS OF THE RECORD

8. A perusal of the record shows that admittedly, the appellant was dismissed from service after enquiry. Rule 8 of Punjab Civil Service (Punishment and Appeal) Rules, 1970 lays down the procedure for imposing major punishment and dismissal from service is a major punishment and is stipulated in Rule 5 of Punjab Civil Service (Punishment and Appeal) Rules, 1970. As per appellant, he was not granted opportunity of being heard and reply filed by him to charge sheet was not considered.

9. A perusal of the record further shows that appellant in his cross examination admitted that he had received the charge sheet along with all documents. Further that he had cross examined the prosecution witnesses. He also admitted that he received the findings of Enquiry Officer and he received show cause notice and he replied to the same. Thereafter, he admitted that personal hearing was given to him by Punishing Authority. Thus, all the admissions made by the appellant itself fades away the allegations regarding the grant of personal hearing as well as charge sheet given without documents and not granted opportunity of cross examination of witnesses. The enquiry file which is Ex D1



shows that there is no violation of Principles of natural justice. Moreover, there is admission of appellant himself regarding the same.

CONCLUSION

9. In view of the above, I do not find any infirmity in judgment and decree dated 08.05.2014 passed by learned Civil judge (Junior Division), Pathankot as well as judgment and decree dated 01.09.2015 passed by learned Additional District Judge, Pathankot and the same are upheld.

10. Accordingly, the present regular second appeal is **dismissed**.

11. Parties are left to bear their own costs. Decree sheet be prepared accordingly.

12. Pending application (s) if any also stands disposed of.

(SUDEEPTI SHARMA)
JUDGE

02.09.2025
Gaurav Arora

Whether speaking/reasoned : Yes
Whether reportable : Yes