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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2882 of 1998

Surjit Singh
.....Appellant

Versus

Faridabad Complex Administration and another
.....Respondents

Sr. No.	Particulars	Details
1.	The date when the judgment is reserved	09.02.2026
2.	The date when the judgment is pronounced	18. 02.2026
3.	The date when the judgment is uploaded on the website	18. 02.2026
4.	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by: -Ms. Ritu, Advocate,
for the appellant.

None for the respondents.

NAMIT KUMAR, J.

1. Instant Regular Second Appeal has been preferred by the appellant-plaintiff against the judgment and decree dated 27.11.1996, passed by learned Civil Judge (Senior Division), Faridabad, whereby suit of the appellant-plaintiff for declaration with a consequential relief of permanent injunction was dismissed as well as against the judgment and decree dated 18.02.1998, passed by learned Additional District Judge, Faridabad, whereby appeal filed by the plaintiff-appellant

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against the judgment and decree of the trial Court also met the same fate.

2. Parties to the *lis* are being referred to as per their status before the trial Court. Brief facts of the case are that the plaintiff filed a suit for declaration with a consequential relief of permanent injunction, pleading therein that he was working as a Lab Technician with the defendants. On 27.01.1986, the plaintiff applied for sanction of one month's earned leave from 03.02.1986. Till 03.02.1986, he did not receive any information regarding the fate of his application for leave. On receiving a message from his father, plaintiff applied for casual leave for 04.02.1986 and 05.02.1986 along with permission to leave the station, which was duly sanctioned, and thereafter he went to his village. The mother of the plaintiff was seriously ill and in order to take care of her, plaintiff sent a telegram to the defendants seeking 15 days' earned leave. Subsequently, he sent a registered letter requesting the defendants to extend his leave upto 05.03.1986. Thereafter, again he sent a registered letter to the defendants seeking extension of leave upto 31.03.1986. The plaintiff resumed duty on 01.04.1986. On 29.05.1986, plaintiff was served a charge sheet, containing charges of absence from duty, dereliction of duty, and insubordination. In the enquiry, plaintiff was found guilty of absence from duty and insubordination. On the basis of enquiry report, vide order dated 18.09.1987, plaintiff was awarded punishment of reduction of pay scale to the minimum of the scale. Aggrieved thereby, the plaintiff filed a suit seeking declaration to the effect that order dated 18.09.1987 is

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illegal and void. Defendants contested the suit and filed their written statement stating therein that the impugned order was passed after holding due enquiry, finding the plaintiff guilty of the charges and that the punishment imposed was legal and valid. After hearing the learned counsel for the parties and perusing the record, the trial Court dismissed the suit of the plaintiff vide judgment and decree dated 16.03.1991. Aggrieved against the said judgment and decree, plaintiff filed an appeal. The appellate Court, finding that the order dated 18.09.1987 was not a speaking order and was in violation of rules, set aside the judgment and decree of the trial Court and decreed the suit vide judgment and decree dated 17.03.1992, granting liberty to defendant No.1 to pass a fresh order, if deemed proper, after recording reasons for the same. Thereafter, the defendants passed a fresh order dated 17.08.1992, awarding the same punishment of reduction of pay scale to the minimum scale. The plaintiff again filed a suit for declaration with a consequential relief of permanent injunction, which was dismissed by the trial Court, vide judgment and decree dated 27.11.1996. Aggrieved by the said judgment and decree of the trial Court, plaintiff preferred an appeal, which too has been dismissed by the first appellate Court vide judgment and decree dated 18.02.1998. Hence, the instant Regular Second Appeal.

3. Learned counsel for the appellant contended that both the Courts have failed to appreciate that order dated 17.08.1992, awarding the punishment of reduction of pay scale to the minimum scale was passed without following due procedure and the same was violative of

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principles of natural justice. He further submitted that the appellant never absented himself from duty and he was not associated in the enquiry and the enquiry officer was biased to him, therefore, he submitted a report prejudicial to his rights.

4. I have heard learned counsel for the appellant and perused the record.

5. The appellant was awarded the punishment of reduction of pay scale to the minimum scale vide order dated 17.08.1992, passed by the respondents for remaining absent from duty from 06.02.1986 to 31.03.1986. In his cross-examination, the appellant-plaintiff (PW1) admitted that he applied for two days' leave without mentioning any reason and after availing leave for 04.02.1986 and 05.02.1986, he did not resume his duty. He further admitted that his earned leave sanctioned for the period from 06.02.1986 to 31.03.1986 had not been sanctioned prior to proceeding on leave. It is crystal clear from the record that he was issued charge-sheet, to which he replied and then a regular enquiry was conducted by the enquiry officer, who had given him an opportunity to lead evidence and thereafter enquiry officer submitted his report dated 05.02.1987 (Ex.D5). Thereafter, the appellant-plaintiff filed his reply to the show-cause notice and the Administrator, Faridabad Complex Administration, after considering the reply of the appellant and affording personal hearing to the appellant, passed the order 18.09.1987 awarding the punishment of reduction of pay scale to the minimum scale. The appellant-plaintiff challenged the said punishment order before the trial Court by way of

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suit for declaration, which was dismissed by the trial Court vide judgment and decree dated 16.03.1991, finding no illegality either in the order dated 18.09.1987 or in the enquiry report dated 05.02.1987. The appellant had also not filed any appeal or representation against the order before the competent authority. However, the first appellate Court vide judgment and decree dated 17.03.1992, allowed the appeal of the appellant-plaintiff on the ground that the order dated 18.09.1987, passed by the respondents, awarding the punishment of reduction of pay scale to the minimum scale, was a non-speaking order, while granting liberty to respondent No.1 to pass a fresh order, if deemed proper, after recording reasons for the same. Pursuant thereto, the respondents passed a detailed order dated 17.08.1992 awarding same punishment of reduction of appellant's pay scale to the minimum scale. The said order dated 17.08.1992 was passed on the basis of duly conducted enquiry by the respondents and no irregularity in the enquiry proceedings has been pointed out.

6. Keeping in view the above facts and circumstances, this Court finds that there is no perversity in the judgments and decrees passed by the trial Court as well as the first appellate Court. Concurrent findings have been recorded by the trial Court as well as the first appellate Court and learned counsel for the appellant has failed to show that the same are perverse or illegal or based on mis-reading, non-reading or mis-appreciation of the material evidence on record.

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- 7. No question of law, much less substantial question of law has been raised or arises for consideration in the present appeal. No other point has been urged.
- 8. In view of the above, present appeal is dismissed.
- 9. Pending application(s), if any, shall stand disposed of.

18.02.2026
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No