



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-3638-1999 (O&M)

RAM KUMAR

.....Appellant

Vs.

STATE OF HARYANA AND ORS.

.....Respondents

Reserved on : 12.05.2026

Pronounced on: 15.05.2026

Uploaded on: 27.05.2026

Whether only the operative part of the judgment is pronounced? NO

Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Rajesh Bansal, Advocate
Mr. Anuj Mahla, Advocate
Mr. Jaswant Singh, Advocate
for the appellant.

Mr. Harish Nain, Assistant Advocate General, Haryana

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 20.04.1999 passed by District Judge, Jind whereby, appeal filed by the respondent against judgment and decree dated 29.08.1996 passed by learned Civil Judge (Jr. Division), Jind was partly allowed.

2. Brief facts of the case as per pleadings in the civil suit are that appellant filed civil suit for declaration challenging order dated 31.01.1991 and 20.03.1990 passed by the respondents. As per pleadings in the civil suit, appellant was Conductor in Haryana Roadways, Jind. He was chargesheeted under Rule 7 of Haryana Civil Services (Punishment & Appeal) Rules, 1987 on the ground that he was carrying one passenger without ticket in his bus. On earlier occasion also chargesheet under rule 7 of Haryana Civil Services



(Punishment and Appeal) rules 1987 was issued on the ground that he took unauthorized passengers from village Machrauli to Siwah on 22.06.1989 and consequently Government suffered loss of Rs.108/-. Inquiry was conducted. The inquiry report was not against the appellant still punishment of stoppage of one increment with cumulative effect was granted to him. Further his pay and allowances of the suspension period from 17.07.1989 to 27.07.1989 were restricted to allowances already paid vide order dated 20.03.1990. He filed appeal against the same to S.T.C., Haryana, Chandigarh. Appeal filed by him was dismissed vide order dated 24.04.1991. He filed civil suit. Civil suit filed by him was decreed in his favor vide judgment and decree dated 29.08.1996 passed by learned Civil Judge (Jr. Division), Jind. Respondents-State filed appeal against the same which was partly allowed vide judgment and decree dated 20.04.1999 passed by learned District Judge, Jind. Hence, the present regular second appeal.

3. Learned counsel for the appellant contends that learned First Appellate Court has wrongly reversed well-reasoned judgment and decree dated 29.08.1996 passed by learned Civil Judge (Jr. Division), Jind. Both the Courts failed to appreciate the very fact that before imposing punishment, principles of natural justices were not followed. He, therefore, prays that the present regular second appeal be allowed.

4. *Per contra*, learned counsel for respondents contends that learned First Appellate Court has rightly appreciated the evidence on record and partly allowed the appeal. He, therefore, prays that the present regular second appeal be dismissed.

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



6. Admittedly chargesheet was issued under Rule 7 of Haryana Civil Services (Punishment & Appeal) Rules, 1987 i.e. for major punishment. Order dated 20.03.1990 imposing penalty of stoppage of one increment with cumulative effect was set aside by learned trial court on the ground that no opportunity of personal hearing was granted to the appellant nor any copy of inquiry report was supplied to him before imposing the punishment. And so far as the amount of Rs.108/- is concerned the same was deducted by respondents from the security amount vide order dated 24.04.1991 of S.T.C. Haryana Chandigarh (appellate authority).

7. A perusal of the record shows that inquiry report (Ex.P-8) was duly sent to the appellant. Further the appellant neither disputed the receipt of show cause notice nor had he pointed out that at any point of time prior to filing of civil suit that copy of inquiry report referred to in the show cause notice was not received by him. Ex.P-12 shows that appellant had not only received the show cause notice but he also replied to the same which was not found to be satisfactory and consequently, penalty of stoppage of one increment with cumulative effect was imposed upon him. Copy of inquiry report Ex.P-8 and show cause notice was placed before the trial court by the appellant himself which shows that he was supplied with the show cause notice as well as copy of inquiry report. Even there is nothing on record to show that appellant was not allowed to cross-examine the witnesses. Perusal of record shows that principles of natural justice were followed before passing the order of punishment. Therefore, the imposition of punishment of stoppage of one increment with cumulative effect is legal since the same was passed after holding inquiry and following the principles of natural justice. So far as the appeal filed by the appellant against the punishment order is concerned the



same is also valid since it is admitted case of appellant before appellate authority that he was carrying 70 passengers i.e. 18 passengers in excess in the bus at the time it was checked. And he could not have added more than this if an opportunity of personal hearing would have been afforded to him.

- 8. In view of the above, I do not find any infirmity in judgment and decree dated 20.04.1999 passed by District Judge, Jind and the same is upheld.
- 9. Accordingly, the present regular second appeal is **dismissed**.
- 10. Pending application(s), if any, also stand disposed of.

15.05.2026

Saahil/Ayub

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No