

2026:PHHC:081824



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-4284-2026 (O&M)
Date of Decision: 21.05.2026

Roshni Devi

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Dinesh Kumar Jangra, Advocate
(through Hybrid Mode) and
Mr. Mohan Sheoran, Advocate, for the petitioner.

VIKRAM AGGARWAL, J. (ORAL)

The instant petition, preferred under Article 227 of the Constitution of India, assails the order dated 20.04.2026 (Annexure P.1) passed by the Civil Judge (Junior Division), Hisar, vide which, while holding the petitioner as professionally negligent, the General Manager, Haryana Roadways, Hisar, was directed to deduct Rs.5,000/- from the salary of the petitioner and get the same deposited in the District Legal Services Authority, Hisar.

2. It is the case of the petitioner that she is posted as an Assistant District Attorney in the Office of General Manager, Haryana Roadways, Hisar. In Civil Suit No. 1313-2021 titled as “Lal Chand Devi Chand Charitable Trust Vs. State of Haryana”, the petitioner was assisting the Government Pleader, appearing for defendant Nos. 1 to 3. In the said case, vide order dated

24.03.2026, the trial Court, while granting last opportunity for the defendants' evidence, imposed costs of Rs.5,000/- to be deposited by the defendants in DLSA, Hisar. The Court had further directed General Manager, Haryana Roadways, Hisar, to fix the responsibility of the concerned Official for the delay and to deduct the said amount of Rs.5,000/- from his salary.

2.1 It is further averred that the order dated 24.03.2026 was communicated by the ADA Branch to the Office of General Manager, Haryana Roadways, Hisar on 07.04.2026 with the request to take necessary action. Subsequently, a reminder dated 17.04.2026 was also sent. Accordingly, DW-Anil Kumar appeared in the Court and was partly examined. It is further asserted that on 29.04.2026, the Office of General Manager, Haryana Roadways, Hisar, received a copy of order dated 20.04.2026 passed by the Civil Judge (Junior Division), Hisar, sent by the Reader of the said Court, wherein the petitioner was held professionally negligent for the delay in trial of the Civil Suit and accordingly, the General Manager, Haryana Roadways, was directed to deduct the said amount of Rs.5,000/- from her salary.

3. Learned counsel for the petitioner submits that the petitioner has been appearing as an Assistant District Attorney in the said Civil Suit and the ADA Branch, where the petitioner has been posted, sent due communications to the defendants as regards the orders passed by the Court and for producing their evidence. It is further submitted that pursuant to the said communications, DW-Anil Kumar, appeared before the Court and he was partly examined.

3.1 Learned counsel for the petitioner further argues that there is no professional negligence on the part of the petitioner. It is argued that being Assistant District Attorney, the duty of the petitioner is to firstly requisition the relevant documents from the Department and then prepare and file the reply in the Court and also produce the evidence.

3.2 Learned counsel further argues that a perusal of the communications (Annexures P.5 to P.14), would show that the ADA Branch, had called upon the defendant-Haryana Roadways, Hisar, to produce its evidence before the Court, but despite that the needful was not done. It is further argued that the trial Court, wrongly observed that the delay in the trial of the suit was due to the professional negligence on the part of the petitioner, as she was representing the Department in the said Civil Suit. Still further, it is argued that vide order dated 24.03.2026 the trial Court had directed the General Manager, Haryana Roadways, Hisar, to fix the responsibility of the concerned official for the delay and, therefore, the trial Court was not justified in fixing the said responsibility itself and that too, without granting any opportunity of hearing to the petitioner or to explain her position. It is, thus, prayed that the impugned order be set aside.

4. I have considered the submissions made by learned counsel for the petitioner.

5. There would be no necessity of issuing notice to the respondents, for, in view of the nature of the order that is proposed to be passed, no prejudice would be caused to them.

trial Court shows that while adjourning the case to 20.04.2026 for evidence of the defendants at their own responsibility, last opportunity was granted subject to payment of costs of Rs.5,000/- with a direction to the General Manager, Haryana Roadways, Hisar, to fix the responsibility of the concerned official for the delay. The said order reads as under:-

“No DW is present. Adjournment is requested. Heard. Allowed. Now to come up on 20.04.2026 for evidence of defendants, at own responsibility. Last opportunity is extended subject to costs of Rs.5000/- to be deposited by defendants in DLSA, Hisar. It is made celar that if the defendants fail to conclude their evidence, then the sam shall be closed by the Court order. General Manager, Haryana Roadways, Hisar is directed to fix the responsibility of the concerned Official for delay and is further directed to deduct the said amount of Rs.5000/- from his salary and get the same deposited in DLSA, Hisar. Copy of this order be forwarded to General Manager, Haryana Roadways, Hisar (defendant no.3) for necessary compliance. Compliance report be placed on file on the next date of hearing.”

7. However, on 20.04.2026, the trial Court, while holding the petitioner as professionally negligent for the delay in trial of the suit, passed the impugned order, the relevant part whereof, reads as under:-

“....Vide order dated 24.03.2026, since the defendant after availing sufficient opportunities have failed to lead their evidence, therefore, costs of Rs.5,000/- was imposed upon them by the undersigned and General Manager, Haryana Roadways Hisar was directed to fix the responsibility of the concerned official for the said

delay and deduct the said amount from his/her salary and he was further directed to place compliance report in this regard. Upon inquiry made by this Court, Sh. Anil Kumar, Accountant, GM, Haryana Roadways, Hisar suffered a statement to the effect that Smt. Roshni Devi is currently the legal officer of their department. Careful perusal of the file would reveal that she was present on the last date of hearing but failed to appear today in order to represent their department. Accordingly, this court is of considered opinion that the delay in the present suit is due to the professional negligence on the part of Smt. Roshni Devi and accordingly, fixes her responsibility for the said delay. Hence, GM, Haryana Roadways, Hisar is directed to deduct Rs.5,000/- from her salary and get the same deposited in DLSA, Hisar. Copy of this order be forwarded to GM, Haryana Roadways, Hisar for necessary compliance. Compliance report be placed on record on the next date of hearing.”

8. A perusal of the said orders shows that though vide order dated 24.03.2026, the General Manager, Haryana Roadways, Hisar, was directed to fix the responsibility of the concerned official for the delay and file the compliance report, yet vide subsequent order dated 20.04.2026, the Court itself fixed the responsibility of the petitioner, by simply noticing that she was the legal officer for the Department and was not present in the Court and the delay in trial of the suit was due to the professional negligence on her part.

9. In the considered opinion of this Court, the impugned order is not sustainable, for, the directions had been issued to the General Manager, Haryana Roadways, Hisar, to fix the responsibility of the erring official and submit the compliance report, but instead of seeking the compliance report, the trial

Court, itself proceeded to fix the responsibility. Still further, neither any opportunity of hearing was granted to the petitioner nor was she granted any opportunity to explain her position.

10. That being so, the instant petition is allowed. The impugned order dated 20.4.2026 passed by the Civil Judge (Junior Division), Hisar, is set aside. The trial Court shall proceed further from the stage of the order dated 24.03.2026.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

21.05.2026
ds

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