

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3966-2006

RAMESH LAL

..Appellant

Versus

STATE OF HARYANA & ORS.

..Respondents

Reserved on: 10.12.2025

Date of decision: 30.01.2026

Uploaded on: 31.01.2026

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. Shreesh Kakkar, Advocate
Mr. Kapil Kakkar, Advocate
for the appellant.

Mr. Harish Nain, AAG, Haryana.

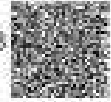
Mr. Nitin Gupta, Advocate
for Mr. H.S. Gill, Advocate
for respondent No.2.

SUDEEPTI SHARMA, J.

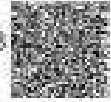
1. The present regular second appeal is preferred against judgment and decree dated 25.07.2006 passed by learned Additional District Judge, Rohtak, whereby, the appeal filed by respondent against judgment and decree dated 08.05.2003 passed by learned Civil Judge (Senior Division), Rohtak, was allowed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that the appellant was posted as Welder (Electrical) in Central Workshop, Medical College & Hospital, Rohtak and he rendered 27-28 years of service



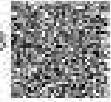
as a welder. He was required to repair/weld the rims etc. at the workshop and whenever the machine was out of order, he was required to get the same repaired from the open market by taking the rims etc. personally out of the workshop and no passes were required to be taken by him for his exit from workshop and it was almost a daily routine. On 17.05.1995 on the oral standing order of Dr. B.R. Dahiya, the appellant took one cycle rim from Central Workshop for repair privately in open market. The bills of the repaired rims etc. by private welders were used to be paid by respondent. Foreman Veer Bhan and Dr. B.R. Dahiya had conspired and were in search of some opportunity after the appellant refused to toe their line and on 17.05.1995 Veer Bhan was deputed by Dr. B.R. Dahiya to visit the house of the appellant and consequently Veer Bham came to the house of the appellant and falsely told Dr. B.R. Dahiya that cycle rim had been stolen by the appellant and Dharam Pal, Driver was spotted by Veer Bhan near the house of the appellant with his vehicle bearing No.HR-12-4310 on that day. However, the cycle rim was deposited by the appellant on 18.05.1995 when he took it back after repair on his reaching the office in the morning on duty. Dr. B.R. Dahiya threatened the appellant either to make a confession of the alleged theft of cycle rim or he would be arrested for stealing the cycle rim. The appellant apprised Dr. B.R. Dahiya with the facts but Dr. B.R. Dahiya was adamant to remove the appellant from service and because of this pressure, the appellant was forced to admit and made a confessional statement. Thereafter, the appellant was chargesheeted on 08.06.1995. He filed reply to the same. Dr. D.R. Yadav was appointed as an enquiry officer on 28.07.1995. Since Dr. B.R. Dahiya felt that Dr. D.R. Yadav would not



oblige him in giving a favourable report, the appointment of Dr. D.R. Yadav was got cancelled and Dr. J.S. Malik, who is of the caste of Dr. B.R. Dahiya, appointed as an enquiry officer. Thereafter, the appellant was held guilty of commission of theft of cycle rim. Show cause notice was served upon him, which was duly replied but his reply was not considered satisfactory and vide order dated 14.05.1996, two annual increments of the appellant with cumulative effect were stopped. The ACR of the appellant for the year 1995-96 was also downgraded. He made representation and the same was declined. Dharampal, Driver was also chargesheeted along with the appellant and his increments were also stopped. He filed appeal against order of punishment and vide order dated 12.11.1997, his punishment was reduced to one increment with cumulative effect. Veer Bhan was also chargesheeted but just to show that there was no discrimination. The appellant filed civil suit challenging the punishment order. The civil suit filed by the appellant was decreed in his favour by learned Civil Judge (Senior Division), Rohtak vide judgment and decree dated 08.05.2003. The respondent-State filed appeal against the same, which was allowed by learned Additional District Judge, Rohtak vide judgment and decree dated 25.07.2006. Hence, the present Regular Second Appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

3. Learned counsel for the appellant contends learned Additional District Judge, Rohtak has wrongly set aside the well reasoned judgment and decree dated 08.05.2003 passed by learned Civil Judge (Senior Division), Rohtak. He, therefore, prays that the present appeal be allowed and



judgment and decree dated 25.07.2006 passed by learned Additional District Judge, Rohtak be set aside.

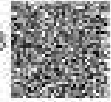
4. Per contra, learned counsel for respondents contends that appeal filed by respondent-State has rightly been allowed by learned Additional District Judge, Rohtak vide judgment and decree dated 25.07.2006. He, therefore, prays that the present appeal be dismissed.

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

6. A perusal of the record shows that the civil suit filed by the appellant was decreed in his favour by learned Civil Judge (Senior Division), Rohtak only on the ground that principles of natural justice were not followed.

7. A further perusal of the record shows that admittedly, the appellant had taken cycle rim to his house and this fact was reported by his superior Veer Bhan to Dr. B.R. Dahiya, Incharge of workshop on the next day when he returned the cycle rim and made statement confessing his guilt. Thereafter, after issuing show cause notice and calling for the reply, enquiry officer was appointed and on the basis of the enquiry report, wherein, proper opportunity of hearing was granted to the appellant, enquiry report was submitted and on the basis of enquiry report, punishment order was passed by the respondents.

8. Further on the basis of punishment order, whereby, two increments with cumulative effect were stopped, ACR of the appellant was down graded.

**DECISION**

9. In view of the above, I do not find any infirmity and illegality in judgment and decree dated 25.07.2006, passed by learned Additional District Judge, Rohtak and the same is hereby upheld.

10. Consequently, the appeal is **dismissed**. Parties are left to bear their own costs.

11. Decree sheet be drawn.

30.01.2026*Ayub***(SUDEEPTI SHARMA)
JUDGE**

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