

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-213-2008 (O&M)

HANS RAJ

..Appellant

Versus

STATE OF HARYANA AND ORS.

..RespondentS

Reserved on: 05.03.2026
Pronounced on : 18.03.2026
Uploaded on : 20.03.2026

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. R.K. Malik, Sr. Advocate with
Mr. Samrat Malik, Advocate
for the appellant.

Mr. Harish Nain, AAG, Haryana.

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 26.09.2007, passed by learned Additional District Judge, Rohtak, whereby, appeal filed against judgment and decree dated 09.01.2006 was allowed.

2. Brief facts of the case as per the pleadings in the civil suit are that respondent was working as Building Inspector in the office of District Town Planner (Enforcement), Gurugram and was placed under suspension on 09.09.1991. He was reinstated on 04.02.1992 vide order dated 17.01.1992. After his reinstatement he was posted in the office of District

Town Planner (Enforcement), Hisar against the existing vacancy. During this



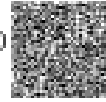
period, no chargesheet was served upon him either under Rule 7 or Rule 8 of Haryana Civil Services (Punishment and Appeal) Rules, 1987 as there was no material against him for framing of chargesheet. He was not paid for the suspension period from 18.09.1991 to 06.02.1992 and suspension period was not regularised for which he suffered financial loss to the tune of Rs.10,000/-. He requested respondents to make payments of suspension period, regularization of suspension period and correction of the date of increment as well in writing but the respondents did not respond to the request. He, therefore, filed civil suit before Civil Judge (Jr. Division), Rohtak who vide its judgment and decree dated 09.01.2006 decreed the suit in his favour. Respondents filed appeal against the same before learned Additional District Judge, Rohtak who vide its judgment and decree dated 26.09.2007 accepted the appeal. Hence, the present Regular Second Appeal.

SUBMISSIONS OF COUNSELS FOR THE PARTIES:-

3. Learned Senior counsel for the appellant contends that when minor punishment is awarded, suspension is not justified. He further contends that before taking decision as to how suspension period has to be treated, principle of natural justice is required to be followed. Further that learned First Appellate Court has wrongly reversed well-reasoned judgment and decree dated 09.01.2006 passed by Civil Judge (Jr. Division), Rohtak. He, therefore, prays that the present appeal be allowed.

4. In support of his contentions, learned Senior counsel relies upon the following judgments :-

- i. ***Malvinderjit Singh Dietician Vs. State of Punjab and others, LPA No.467 of 1968 decided on 08.12.1969***



ii. ***Harinder Singh Chahal Vs. State of Punjab,***
2024:PHHC:013650

4. Per contra, learned counsel for respondents contends that learned First Appellate Court has rightly accepted the appeal filed by the respondents and set aside judgment and decree dated 09.01.2006 passed by Civil Judge (Jr. Division) Rohtak.

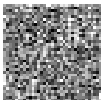
5. I have heard learned Senior counsel for the parties and have perused the whole record of the case with their able assistance.

6. A perusal of the record shows that appellant was issued chargesheet (Ex.D-9) along with statement of allegations (Ex.D-10) for taking action against him under Rule 8 of the Rules of Haryana Civil Services (Punishment and Appeal) Rules, 1987 and after considering his reply (Ex.D-11) to chargesheet order dated 01.08.1996 was passed.

7. Appeal filed by him before Appellate Authority was partly accepted vide order dated 07.08.1997 (Ex.D-13) and the penalty of stoppage of two increments was modified to penalty of stoppage of one increment. Before passing order dated 07.08.1997 (Ex.D-13), opportunity of personal hearing was also afforded to the appellant on 03.06.1997. Further the fact that chargesheet was issued to him four years after he was placed under suspension was also considered by the Appellate Authority. A bare reading of the order shows that it is well-reasoned and speaking.

8. Now coming to the judgments relied on by learned counsel for the appellant:-

i. Since in ***Malvinderjit Singh Dietician Vs. State of Punjab and others, LPA No.467 of 1968 decided on***



08.12.1969, no chargesheet was issued, therefore, the facts of the present case are distinguishable.

ii. Now coming to *Harinder Singh Chahal Vs. State of Punjab, 2024:PHHC:013650*, the same is regarding specific instructions of Government of Punjab. Therefore, both the judgments would not be applicable in the case of the appellant.

9. In view of the above, I do not find any infirmity and illegality in judgment and decree dated 26.09.2007, passed by learned Additional District Judge, Rohtak, the same is hereby affirmed.

10. Accordingly, the present appeal is dismissed. Parties are left to bear their own cost.

11. Decree sheet be prepared accordingly.

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

18.03.2026

Ayub/Sahil

(SUDEEPTI SHARMA)
JUDGE

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