



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2645-2008 (O&M)

P.S.E.B. AND ANOTHER

..Appellants

Versus

SHAMSHER SINGH AND OTHERS

..Respondents

Reserved on: 22.03.2026

Pronounced on : 23.04.2026

Uploaded on : 27.04.2026

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. Santosh Kumar Tripathi, Advocate
for the appellants.

Mr. A.K. Walia, Advocate
for respondent No.1.

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 01.04.2008 passed by learned Additional District Judge (Ad hoc) Patiala, whereby, appeal filed by respondent No.1 against judgment and decree dated 10.12.2005 passed by learned Civil Judge (Junior Division) Patiala was allowed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that respondent No.1 joined as Junior Draftsman with PSEB and was promoted to the post of Draftsman on 13.09.2001. He was issued charge sheet on 18.01.2002 while he was working under the office of Director, IPP, Patiala on the allegation that he remained absent from duty w.e.f. 20.09.2001



to 10.10.2001, 22.10.2001 to 04.11.2001 and 08.11.2001 onwards willfully. He submitted reply to the same explaining therein that his absence was not willful since a property dispute was pending before this Court and his son went missing from June 2000 to May 2002. Thereafter, due to said circumstances, he went under depression. Finally, he joined on 13.06.2002. On 02.04.2003 appellants asked him to produce some documents. Copy of High Court order as well as certificate issued by Sarpanch of Gram Panchayat was submitted by the respondent. Thereafter, punishment order dated 14.11.2002 was passed, whereby, his three annual increments were stopped without cumulative effect and his absence period was treated as non-duty period. He filed civil suit which was dismissed vide judgment and decree dated 10.12.2005 passed by learned Civil Judge (Junior Division), Patiala. He, thereafter, filed appeal against the same which was allowed vide judgment and decree dated 01.04.2008 passed by learned Additional District Judge (Ad hoc), Patiala. Hence the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

3. Learned counsel for the appellants contends that without appreciating the oral as well as documentary evidence on record, learned Additional District Judge (Ad hoc), Patiala has reversed the well reasoned judgment and decree dated 10.12.2005 passed by learned Civil Judge (Junior Division), Patiala. He, therefore, prays that the present appeal be allowed.

4. Per contra learned counsel for respondent No.1 contends that learned Additional District Judge (Ad hoc), Patiala has rightly allowed the appeal filed by the respondent.

5. He further contends that chargesheet was issued for major penalty under Regulation 8 of PSEB Employees Punishment & Appeal



Regulation, 1971, whereas, minor punishment has been imposed without holding any inquiry and without issuing any notice. He, therefore, prays that the present appeal be dismissed.

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

7. Admittedly, respondent No.1 remained absent from duty for which chargesheet under Regulation 8 of PSEB Employees Punishment & Appeal Regulation, 1971 was issued, which is for imposing major punishment, whereas, minor punishment of stoppage of three increments without cumulative effect and treating his absence period as non-duty period was imposed. The minor punishment is imposed without holding any inquiry which is requirement of law. Further, Certificate (Ex.P-3) is issued by RMP doctor, which is not authenticated.

8. Full Bench of this Court in **Dr. K.G. Tiwari Vs. State of Haryana, 2002(2) SCT 915**, has held that once chargesheet is issued for imposition of a major penalty which envisages holding of a regular enquiry, the disciplinary authority cannot by merely examining the reply to the chargesheet inflict even a minor punishment without holding a complete departmental enquiry.

9. In the present case chargesheet was issued for major punishment, whereas, without holding any inquiry minor punishment is imposed. Even for imposing minor punishment no notice was issued. Therefore, in view of the law laid down by Full Bench of this Court as referred to above in **Dr. K.G. Tiwari's case (supra)**, order of imposition of minor punishment is bad in the eyes of law.



10. In fact as per the facts and circumstances of this particular case, admittedly, respondent No.1 was absent from duty without any leave and in reply as well no valid reason for the same is given, therefore, at this stage the liberty cannot be granted to the appellants to hold the fresh inquiry since respondent No.1 has superannuated.

11. Hon'ble Supreme Court in **Punjab National Bank Vs. Kunj Behari Misra, 1998(3) SCT 833** has held as under:-

“18. Both the respondents superannuated on 31st December, 1983. During the pendency of these appeals Misra died on 6th January, 1995 and his legal representatives were brought on record. More than 14 years have elapsed since the delinquent officers had superannuated. It will, therefore, not be in the interest of justice that at this stage the cases should be remanded to the disciplinary authority for the start of another innings. We, therefore, do not issue any such directions and while dismissing these appeals we affirm the decisions of the High Court which had set aside the orders imposing penalty and had directed the appellants to release the retirement benefits to the respondents. There will, however, be no order as to costs.”

12. In view of the above referred to judgments passed by Hon'ble Supreme Court, the matter cannot be remanded at this stage after retirement of respondent No.1.

DECISION

13. Consequently, I do not find any infirmity and illegality in judgment and decree dated 01.04.2008 passed by learned Additional District Judge (Ad hoc), Patiala, the same is hereby upheld.



14. Accordingly, the present appeal is hereby **dismissed**. Parties are left to bear their own costs.
15. Decree sheet be drawn.

23.04.2026

(SUDEEPTI SHARMA)
JUDGE

Ayub/Sahil

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