



RSA-4711-2001 (O&M)

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

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**RSA-4711-2001 (O&M)
Date of Decision : 05.03.2025**

Pritam Chand

...Appellant

VERSUS

Punjab State and Another

...Respondents

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Alka Chatrath, Advocate and
Mr. Shourya Mehra, Advocate for the appellant.

Mr. S.S.Gill, Sr. DAG, Punjab. .

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SUDEEPTI SHARMA, J (Oral).

The present appeal is preferred against the judgment and decree dated 21.08.2001 passed by the learned District Judge, Gurdaspur, whereby the appeal filed by the respondent – State against the judgment and decree dated 19.01.1999 passed by the learned Additional Civil Judge (Sr. Division), Batala was accepted and the suit filed by the appellant was dismissed.

BRIEF FACTS

2. The brief facts of the case are that the appellant was working as Conductor in the respondent – Department. The enquiry was conducted against the appellant, which culminated into Order No.4730-33/Steno/GM dated 19.07.1996 by which the pay of the appellant was reduced to minimum of time scale of pay for a period of five years forfeiting all his arrears during which he remained under suspension, over and above the subsistence allowance already paid to him.



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3. He filed civil suit challenging the order dated 19.07.1996 which was decreed in his favour by Additional Civil Judge (Sr. Division), Batala, vide its judgment and decree dated 19.01.1999.

4. The respondent/State of Punjab filed appeal challenging the judgment and decree dated 19.01.1999 passed by the Additional Civil Judge (Sr. Division), Batala, which was allowed by the learned District Judge, Gurdaspur, vide its judgment and decree dated 21.08.2001.

5. Hence the present appeal.

SUBMISSION OF THE LEARNED COUNSEL FOR THE PARTIES

6. Learned counsel for the appellant contends that the learned First Appellate Court has totally ignored the contention of the appellant that punishing authority passed the impugned order dated 19.07.1996 without application of mind.

7. *Per contra*, learned State counsel argues on the lines of the judgment and decreed passed by the learned First Appellate Court.

8. I have heard learned counsel for the parties and perused the whole record of this case.

9. The civil suit was filed by the appellant challenging the order dated 19.07.1996, whereby the pay of the appellant was reduced to minimum of time scale of pay for a period of five years forfeiting all his arrears during which he remained under suspension, over and above the subsistence allowance already paid to him *inter alia* on the ground that charge-sheet was not served with open and judicious mind and he was not supplied the relevant documents forming the basis of charge-sheet. His further ground to challenge was that he was not allowed to inspect the record and that the reply to the charge-sheet submitted by him was not



considered.

10. A perusal of the written statement filed by the respondent-State shows that charge-sheet was served upon the appellant, all the relevant documents were supplied to him and reply to charge-sheet was considered to be unsatisfactory. The appellant had cross-examined the witnesses during enquiry and after giving him proper show cause notice and considering the reply, the enquiry report was submitted, which was thorough in itself. It has been rightly observed by the learned First Appellate Court that in para-12 of the judgment passed by the learned Additional Civil Judge (Sr. Division), Batala, it has been specifically stated that reply was on page 103 of the enquiry file as Ex.P/1 and that there was an endorsement in green ink on that reply made by the punishing authority to the effect that reply was found to be unsatisfactory and the appellant was directed to appear for personal hearing. Even in the letter regarding personal hearing it was endorsed that the appellant was heard in person and the reply was considered and the personal hearing was also given to the appellant.

11. A perusal of the record shows that notice of personal hearing was given to the appellant in which two sentences were proposed; one for his proposed dismissal and second for forfeiture of pay and allowances during the suspension period.

12. A perusal of the record further shows that reply to the show cause notice was filed by the appellant on 08.05.1996 and the same was found to be unsatisfactory vide noting of punishing authority dated 09.05.1996. He was called for personal hearing for 02.07.1996. His statement on the notice was recorded and then the order was made that he had been heard in person and his reply had been considered and taking lenient view, the order was passed reducing his pay to the



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minimum pay scale for the period of 05 years and forfeiture of the suspension allowance. Therefore, the contention of the appellant cannot be accepted that the impugned order dated 19.07.1996 was passed without any application of mind.

13. It is apparent from the record that proper enquiry was conducted and there is no document on record to show that the opportunity of being heard was not granted to the appellant. It is only after considering the reply and after hearing the appellant to whom the opportunity of personal hearing was also given, the impugned order dated 19.07.1996 was passed.

14. In view of the above, I do not find any infirmity in the judgment and decree dated 21.08.2001 passed by the learned District Judge, Gurdaspur, whereby the appeal of the respondent – State was accepted and the suit filed by the appellant was dismissed.

15. The present regular second appeal is dismissed.

16. Decree sheet be drawn.

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

March 05, 2025.
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes