

STATE OF PUNJAB AND ORS.

v.

SURJIT SINGH CONDUCTOR

MARCH 22, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

*Service Law :*

*Disciplinary authority—Power to withhold arrears of salary for the period of suspension—Disciplinary proceedings—Suspension of delinquent pending inquiry—Charges proved—Punishment—Stoppage of three annual increments with cumulative effect and withholding payment of arrears of salary for the period under suspension—Civil Court interfering with order withholding payment of arrears of salary—Held, the rules indicate withholding of payment of arrears of salary as one of the modes of punishment—Disciplinary authority rightly exercised its power—Civil Court has no jurisdiction to substitute the punishment imposed by disciplinary authority—Civil Court is not a court of appeal in civil suits.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 7022 of 1996.

From the Judgment and Order dated 25.11.93 of the Punjab and Haryana High Court in R.S.A. No. 208 of 1993.

Manoj Swarup and Girish Chandra for the Appellants.

N.N. Jauhri and S.K. Sabharwal for the Respondents.

The following Order of the Court was delivered :

Leave granted.

The only question is : whether the disciplinary authority could withhold payment of arrears of salary for the period of suspension from September 5, 1986 to April 2, 1987, namely, the date of suspension till the date of passing of the final orders ?

The respondent was a conductor. A charge-sheet was issued imputing misconduct in not issuing the tickets. The Enquiry Officer, though had

not recorded finding of proof of misconduct, the disciplinary authority did not agree with the Enquiry Officer's report and has given reasons in support of the disagreement, recorded a finding as to how the charges have been proved by giving opportunity to the respondent to show why the punishment of stoppage of increments and also with-holding payments of arrears of salary as punishment. The respondent had submitted his explanation. On consideration thereof, the disciplinary authority imposed stoppage of three annual increments with cumulative effect and also with-held payment of arrears of salary for the suspension period. The trial Court dismissed the suit. On appeal, it was reversed and the suit was decreed. In S.A. No.208/93 dated November 25, 1993, the High Court of Punjab & Haryana confirmed the appellate decree.

The appellate decree envisages confirmation of the stoppage of three increments with cumulative effect but interfered with the order with-holding payment of arrears of salary as a measure of punishment. The appellate Court held that the disciplinary authority had no power to impose the said punishment.

We have heard counsel on both sides. It is an admitted position that the charges have been proved. Once the charges have been proved, it is settled law that the disciplinary authority is empowered to impose appropriate punishment. The rule indicates with-holding of payment of arrears of salary as one of the modes of punishment. Under these circumstances, the disciplinary authority had rightly exercised its power. The Civil Court had no jurisdiction to substitute the punishment imposed by the disciplinary authority. The Civil Court is not a court of appeal in Civil suits.

The appeal is accordingly allowed. The suit stands dismissed but, in the circumstances, without costs.

Appeal allowed.