

State of Punjab and Others

Vs

Surjit Singh Conductor

Civil Appeal No. 7022 of 1996

(K. Ramaswamy, G. B. Patianaik JJ)

22.03.1996

ORDER

1. Leave granted.
2. The only question is : whether the disciplinary authority could withhold payment of arrears of salary for the period of suspension from 5-9-1986 to 2-4-1987, namely, the date of suspension till the date of passing of the final orders ?
3. The respondent was a conductor. A charge-sheet was issued imputing misconduct in not issuing the tickets. The Inquiry Officer, though had not recorded finding of proof of misconduct, the disciplinary authority did not agree with the Inquiry 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 withholding 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 withheld 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 SA No. 208 of 1993 dated 25-11-1993, the High Court of Punjab and Haryana confirmed the appellate decree.
4. The appellate decree envisages confirmation of the stoppage of three increments with cumulative effect but interfered with the order of withholding 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.
5. 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 withholding 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.
6. The appeal is accordingly allowed. The suit stands dismissed but, in the circumstances, without costs.