

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 11041 of 2001 (O&M)
Date of decision: 20.01.2015

1.

Haryana Food and Supplies Field Staff Association and others.

... Petitioners

versus

State of Haryana and others.

.... Respondents

2.

CWP No. 927 of 2000

Inspectorate Staff Union, Food and Supplies Department.

... Petitioner

versus

State of Punjab and another.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Nitish Vasudeva, Advocate, for the petitioners.

Mr. Keshav Gupta, Assistant Advocate General, Haryana.

K.Kannan, J.

Both these writ petitions challenge the credibility of certain storage norms which were introduced at warehouses where wheat stocks were stored and making liable its employees for sums depending upon the moisture content that were found in the stocks. The cases came up from both the States of Punjab and Haryana and they have been considered through the decision dealt with by this Court in CWP No. 3230 of 1993 in Punjab Ware House Field Employees Union Patiala and other. The Court has held that the norms themselves cannot be a matter for intervention by the Court since there were issues brought on assimilation of technical facts over which the Court cannot exercise any judicial review but all the same, found that there could be

no manner by which the employees posted at the storage houses could be made accountable for maintaining particular moisture content. Even while not interfering with the changed norms, the Court found that demand notices issued against the employees was not justified. The court by its judgment dated 20.06.1994 also held that the Corporation shall not preclude from taking the appropriate measures for amendment of the Punjab Warehousing Rules, but declared illegal the demand made against the employees for alleged "less storage gain". This decision was applied later to a case coming from the State of Haryana in CWP No. 12950 of 1999, Haryana Warehouse Corporation Vs. State of Haryana. The Division Bench referred to the decision in CWP No. 3239 of 1993 and disposed of the writ petition on the same lines, giving liberty to the Haryana Warehousing Corporation to take appropriate action by way of amendment to the Rules and in accordance with law. It appears that the Haryana Government took the matter further in appeal to the Hon'ble Supreme Court in CWP No. 1644 of 2001 but the Hon'ble Supreme Court dismissed it holding that the judgment rendered in CWP No. 3239 of 1993 had attained finality, there having been no appeal by the State of Punjab and the principle laid down in the said judgment would also govern the issues which had been brought by the Haryana Corporation.

In the light of the decisions, the demand notices issued against the petitioner would stand quashed. There is no requirement for the revised norms (annexures P7 to P10) to be quashed and no intervention is called for, for the same reasoning as adopted in the judgment referred to above. The writ petition is disposed of on the above terms.

20.01.2015
Kumud

(K.KANNAN)
JUDGE