

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 11009 of 2012

DATE OF DECISION: 24.04.2015

Sant Singh

.....Petitioner

Versus

Punjab State Civil Supplies Corp. Ltd. & Ors.

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Aman Chaudhary, Advocate
for the respondents.

DAYA CHAUDHARY, J.

The prayer made in the present petition is for issuance of a writ in the nature of certiorari for quashing of order dated 13.7.2011 (Annexure P-5), whereby, although the petitioner has been exonerated from the charges and dismissal period has been treated as duty period but still the punishment of censure alleging lack of supervision has been imposed upon him.

Briefly, the facts of the case are that the petitioner was placed under suspension vide order dated 22.11.195 and was chargesheeted on 24.1.1996 alleging the embezzlement of the paddy for the year 1994-95 caused by the Rice Mill namely, M/s Amloh Rice Mill claiming recovery of

financial losses to the respondents amounting to ₹ 2,26,21,514.49/- alleging negligence in performance of his duties. The punishing authority vide order dated 18.5.1998 imposed penalty of compulsory retirement from service subject to the final decision of recovery of alleged losses, which was kept in abeyance till the decision of arbitration proceedings against the defaulter rice miller. Against the aforesaid punishment order dated 18.5.1998, the petitioner submitted a statutory appeal before respondent No.3. i.e. the Chairman, Appellate Authority, Punjab State Civil Supplies Corporation Limited, which was partly allowed vide order dated 4.2.1999 and matter was remanded back to the punishing authority for taking afresh decision on the charge-sheet. In compliance of said directions passed by the Appellate Authority, the Punishing Authority passed a fresh order dated 11.3.2003 and reinstated the petitioner in service with immediate effect but the petitioner was ordered to be placed at the starting of basic pay i.e. ₹ 5480-8925/- and further imposed the punishment of stoppage of five annual increments with cumulative effect. Aggrieved by order of punishment dated 11.3.2003, the petitioner again filed statutory appeal to the appellate authority, which was decided vide order dated 1.2.2010 and the punishment was reduced to stoppage of three annual increments with cumulative effect. The petitioner was put to the initial scale of the post and the period of dismissal was ordered to be treated as no duty period. Thereafter the petitioner approached this Court by way of filing C.W.P. No. 16851 of 2010. This Court vide order dated 20.9.2010 allowed the petitioner to withdraw said writ petition with liberty to raise all the pleas before the Board of Directors and directions were also issued to the respondents to consider the same in accordance with law. In compliance of the directions issued by this Court, the respondents passed order dated 13.7.2011, whereby, the petitioner was exonerated from the charges and

dismissal period was treated as duty period without any additional financial benefits but punishment of censure alleging lack of supervision was imposed upon him.

Learned counsel for the petitioner submits that the petitioner has already retired from service on attaining the age of superannuation on 30.4.2008. Although the period of dismissal has been treated as duty period and financial benefits as well as consequential benefits have also been allowed but no benefit of suspension period from 22.11.1995 till date of dismissal from service has been given to the petitioner. Learned counsel further submits that vide order dated 6.2.2015 passed by this Court, it was specifically mentioned that the case of the petitioner is at par with other 44 persons against whom charges have been dropped.

Learned counsel for the respondents has not disputed the submissions made by learned counsel for the petitioner and has fairly submitted that case of the petitioner will be considered at par with 44 persons who are similarly situated.

The case came up for hearing on 6.2.2015 and following order was passed:-

“In terms of order dated 20.5.2014, learned counsel for the respondents states that there is a material difference in the cases of the 44 persons against whom charges were dropped and the case of the petitioner, inasmuch as, the custody of the grain, with those officials, was only notional, and as such, the miller would be responsible for the financial losses; whereas in the case of the petitioner, supervision was in his hand, even though the custody of the food-grains was with the miller.

He further submits that the enquiry officer has dealt with the issue in detail and that he would place on record the

enquiry report against the petitioner.

He may do so and also place on record any difference in instructions, as applicable to the case of the petitioner and the 44 persons stated to be similarly situated, against whom charges were dropped.

Needful be done within four weeks.

Adjourned to 20.4.2015.”

In view of the submissions made by learned counsel for the respondents, the present petition is disposed of with a direction to the respondents to reconsider the case of the petitioner at par with other 44 persons similarly situated as mentioned in order dated 6.2.2015. The necessary exercise be done within a period of 3 months from the date of receipt of certified copy of this order. It is also directed that after taking decision in the case of the petitioner at par with other 44 similarly situated persons, the necessary relief be granted to the petitioner .

April 24, 2015
pooja

(DAYA CHAUDHARY)
JUDGE