

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

CWP No. 6331 of 2012 (O&M)

Date of decision: 20.04.2015

Balbir Singh

...Petitioner

Versus

Punjab State Civil Supplies Corp. Ltd. and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Jyoti Sareen, Advocate for the petitioner.

Ms. Deepali Puri, Advocate
for the respondents.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioner seeks quashing of show cause notice dated 23.12.2011 (Annexure P-4), and to issue directions to the respondent to release the retiral benefits after fixation of the pay of petitioner in new pay scale w.e.f. 01.01.2006 along with interest @ 18 % per annum.

It is contended that the petitioner retired as Inspector Grade-II on 31.07.2010 on attaining the age of superannuation. The petitioner was issued show cause notice dated 23.12.2011 (Annexure

P-4) after his retirement as to the recovery to be made from his retiral benefits. The allegations against the petitioner is that due to his negligence, one truck loaded of sugar lifted from Bijnaur did not reach its destination and the did not deduct the transportation charges too. The learned counsel refers to Rule 2.2 (b) 2 (ii) of the Punjab Civil Services Rules, Vol.II, Part-I, and states that the incident pertains to the year 1999 and in view of the above Rule, the show cause notice beyond four years could not be initiated against the petitioner.

The learned counsel for the respondents states that due to the negligence of the petitioner, the respondents have suffered a huge loss of Rs. 1,59,000/-. The petitioner did not inform the respondents with regard to the accident and deliberately did not stop the payment of the transportation.

I have heard the learned counsel for the parties and carefully perused the record.

Perusal of the record would reveal that the petitioner duly informed the respondent No.3-District Manager, PUNSUP, Hoshiarpur by Fax regarding the alleged incident. It has also been stated that now a decree has been passed against the transporter and in favour of the respondents, and, therefore, it is stated that no loss has been caused to the respondents. Keeping in view the fact that the intimation with regard to the accident was immediately brought to

the notice of the authorities and the fact that the petitioner retired in the year 2010, whereas the incident pertains to the year 1999, vide which the recovery has been sought which is in clear violation of Rule 2.2(b) 2(ii) of the Punjab Civil Services Rules, Vol.II, Part-I. Accordingly, the show cause notice dated 23.12.2011 (Annexure P-4) stands quashed. The respondents are directed to consider the claim of the petitioner regarding the release of pensionary benefits and all other consequential benefits within four months from the date of receipt of a certified copy of this order.

20.04.2015

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(JITENDRA CHAUHAN)
JUDGE

Whether to be referred to reporter: Yes / No