

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

LPA No. 1272 of 2015 (O&M)

DATE OF DECISION : 10.09.2015

State of Haryana and others

.... APPELLANTS

Versus

Haryana Food & Supplies Field Staff Association and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Ms. Tanisha Peshawaria, DAG, Haryana,
for the appellants.

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SATISH KUMAR MITTAL, J. (Oral)

The State of Haryana and its officers have filed the instant intra-court appeal under Clause X of the Letters Patent against the order dated 20.01.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 11041 of 2001) filed by the Haryana Food & Supplies Field Staff Association and its members (respondents herein) was allowed and the demand notices (Annexure P-17) issued against the members of the respondent No.1 Association on account of loss of weight in storage, were quashed.

The aforesaid impugned order was passed by the learned Single Judge in view of the earlier decision of Division Bench of this court in **CWP No. 12950 of 1999, Haryana Warehouse Corporation Versus State**

of Haryana, decided on 14.09.2000, which was given on the basis of another decision of this Court in *CWP No. 3230 of 1993, Punjab Warehousing Field Employees Union Patiala and others Versus State of Punjab and others, decided on 20.07.1994,* and the said decision was upheld by the Hon'ble Apex Court in Civil Appeal No. 1644 of 2001. It was held that under the Punjab Warehousing Rules, 1958 (hereinafter referred to as '1958 Rules') which are also applicable to the State of Haryana, there is no provision to recover the loss of shortage from the employees.

In the grounds of appeal, it has been stated that the appellants have already proposed an amendment in Rule 28 of 1958 Rules by adding sub rule (2) thereto, but till date the said amendment has not been carried out. Thus, by proposing the aforesaid amendment, in our opinion, the appellants have accepted the Division Bench decision of this court in CWP No. 12950 of 1999 (supra).

In view of the above, we do not find any ground to interfere with the impugned order passed by the learned Single Judge, based on the judgment rendered in CWP No. 3230 of 1993 (supra), which has been affirmed by the Apex Court.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

September 10, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE