

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.2551 of 2012 (O&M)
Date of Decision.01.09.2015

Ajaib SinghAppellant

Versus

The Punjab Mandi Board and othersRespondents

2. RSA No.2564 of 2012

Gora SinghAppellant

Versus

The Punjab Mandi Board and othersRespondents

Present: Mr. JPS Sidhu, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The only point urged in the appeal as substantial question is that order of recovery for alleged misconduct was taken more than four years after the alleged misconduct, which is against Section 29 of the Punjab Agriculture Marketing Produce Act, 1961. I noticed that the period of misconduct was from April 1989 to June 1989 and the enquiry had been constituted against the plaintiff, Amarjit Singh and Gora Singh and an order was passed finding them guilty. The recovery followed findings in the enquiry. The four years period of what the law contemplates would be taken as period when an enquiry is conducted within the period. It must be taken that there is a due conformity with the relevant provisions of the Act. It cannot be that the recovery could

be made within joining a person in a form of enquiry and making him guilty. When an enquiry had been constituted and he was found guilty of such misconduct and a recovery followed such enquiry, I would find that there has been no delay caused or violation of Section 29.

2. I find no scope for interference with the decisions already made and dismiss the second appeal as involving no substantial question of law and the only point of interpretation of Section 29 has been dealt with by the Courts below correctly and would not require any interference. The second appeals are dismissed.

(K. KANNAN)
JUDGE

September 01, 2015
Pankaj*