

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

R.S.A. No. 3191 of 2015 (O&M)

Date of decision:- 10.07.2015

Food Corporation of India & others

...Appellants

Versus

Itwari Lal through LR's and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. RajKaran Singh Brar, Advocate
for the appellants

RITU BAHRI J.

This regular second appeal is directed against the concurrent findings of facts recorded by both the Courts below whereby the suit of the plaintiff-respondent (herein after to be referred as 'the respondent') was decreed.

Brief facts of the case put forth by the respondents is that they are members of All India FCI Class IV Employees Union registered No. 2779, New Delhi, District Committee Patiala and Area Manager H.S. Dhaliwal is against the respondents and thus, charge sheet dated 01.02.2008 was issued by appellant No. 1 and conducted enquiry thereafter. Further, a false complaint was moved by Area Manager H.S. Dhaliwal against the respondents and F.I.R No. 14 dated 10.01.2007 was registered at P.S. Tripuri Patiala under Sections

353/506/186/149 IPC against the respondents and the respondents got anticipatory bail. The respondents filed tentative reply to the charge sheet and demanded documents referred in the charge sheet and attendance register of 04.01.2008, which were not supplied. Subsequently, the respondents were acquitted by the Court below in a criminal case registered against them on 12.03.2012 (Ex P1).

The trial Court after going through the entire evidence led by the parties, decreed the suit of the respondents to the effect that charge sheet dated 01.02.2008 and subsequent action of enquiry officer and subsequent penal action/order by appellant No. 1 on the basis of inquiry order 21.08.2010 is null and void and the same were set aside. It was held that the charge sheet in the present case is based on the same grounds as that of the above mentioned F.I.R. Thus, when accused have already been acquitted in the said incident regarding which they have been charge sheeted, then the charge sheet and inquiry proceedings along with punishment order have no relevancy in the eyes of law. As per the judgment 12.03.2012 (Ex P1), P.W.4 Karam Chand had deposed that as per attendance register, the accused were present on their duties in their offices. Further, the respondents were not supplied with the requisite documents for filing reply. The appellants have failed to produce any document which could show that the requisite documents were duly supplied to the respondents.

Thus, no opportunity was granted to the respondents before punishing them. The trial Court while decreeing the suit of the respondents gave an opportunity to the appellants to proceed afresh in the disciplinary proceedings against the respondents from the stage at which the fault is pointed out by issuing the shows cause notice to the respondents. The appellants were directed to conclude the process as per law within a period of three months positively from the date of receipt of certified copy of the order.

On appeal, the lower Appellate Court affirmed the findings given by the trial Court and dismissed the appeal filed by the appellants.

Learned counsel for the appellants has not been able to show that any evidence was led before the trial Court to show that they had supplied the documents, sought by the respondents to file the reply to the charge sheet. Once the documents were not supplied to the respondents, the entire proceedings stood vitiated.

The judgments passed by both the Courts below, calls for no interference. No substantial question of law arises for adjudication by this Court.

Accordingly, appeal is dismissed.

10.07.2015

G Arora

(RITU BAHRI)

JUDGE

GAURAV
2015.07.22 12:12
I attest to the accuracy and
integrity of this document