

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

**RSA-312-2014 (O&M)**

**Date of decision-06.10.2015**

**PUNJAB STATE WAREHOUSING CORPN & ANR**

**... Appellants**

**VS**

**AMARJIT SINGH**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present:-Mr. Ishtbir Singh Sidhu, Advocate  
for the appellants.

**RAJ MOHAN SINGH, J (Oral)**

This is an appeal by the Corporation. The suit was decreed by the trial Court. However, Lower Appellate Court reversed the findings on the ground that stock register, charge report and physical verification report have not been adduced in evidence and therefore, adverse inference has to be drawn against the Corporation. In order to constitute an offence of embezzlement, the aforesaid material and incriminating documents are required to be proved and with-holding of the same would definitely attract adverse inference against the plaintiff/appellant. The respondent has already been dismissed from service. In view of aforesaid, the Lower Appellate Court has rightly pointed out that charge of embezzlement cannot be proved for want of evidence. At this stage, learned counsel states that even in view of findings recorded by the Lower Appellate Court, recovery by means of departmental action has been permitted by the Lower Appellate Court. This Court is not in a position to comment upon anything in view of dismissal of the respondent

from service even before the filing of the suit.

In view of aforesaid, no law point worth consideration of this Court is made out in this appeal. The appeal is consequently dismissed. However, delay in filing & re-filing the appeal is condoned.

The plaintiff would be at liberty to proceed against the respondents in accordance with law.

**October 06, 2015**

vanita

**(RAJ MOHAN SINGH)  
JUDGE**