

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

**CWP No.11449 of 1992  
Date of decision: 30.3.2016**

The Punjab State Cooperative Supply  
and Marketing Federation Ltd.

... Petitioner

Versus

Kanwaljit Singh & anr.

... Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. Anshul Jain, Advocate, for  
Mr. Amar Vivek, Advocate,  
for the petitioner.

Mr. Manu K. Bhandari, Advocate,  
for respondent No.1.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

**RAJIV NARAIN RAINA, J.(Oral)**

1. The Additional Registrar (Admn) Cooperative Societies, Punjab, Chandigarh, has interfered with the punishment of dismissal from service by applying the principles of reasonableness and proportionality in power to inflict punishment and for this exercise of discretion the Additional Registrar has looked into the role of the District Manager and Manager Movement at Head Office, Markfed and one SP Singh etc. who all were charge-sheeted with the petitioner in a common incident of misconduct imputed against them have been let off and the respondent herein has been made a scapegoat by visiting him with the extreme punishment of dismissal from service. The quasi judicial authority has found punishment on the “higher side”. When the authority has used the

expression “higher side” this would not mean that the punishment should be inflicted on the lower side and this has to be read in the text and context of the inquiry proceedings and the report submitted where the inquiry officer has put the blame on the District Manager and held him guilty of all the charges levelled in the charge sheet.

2. The Additional Registrar has taken the view that the condition of the rain affected wheat stock of the crop season 1982-1983 in question had already badly deteriorated and the stock was found unfit for milling and declared not acceptable to the Food Corporation of India due to which Markfed had ordered its sale to private parties. The circumstances prevailing were such that private parties were allowed to lift the wheat stocks stored on the open plinths of the godowns of Markfed which corporation by the method of pick and choose allowed wheat stock to be sold randomly instead of compelling in the first instance lifting the stocks stored in the open plinths open to weather. This allowed the cart to be placed before the horse resulting in loss of revenue. The good thing for the petitioner and which works for him is that it is not disputed that the respondent was posted at site for only 4 months of the crop year in question and could have done nothing within his power to contribute to stave the process of deterioration of perishable goods any further by which time of his posting the rot had set in much before his time.

3. The discretion exercised by the Additional Registrar (Administration) in his impugned order dated April 6, 1992 is a view which could have been taken on the facts by a reasonable person or a

person of ordinary intelligence and it is not for this Court in the remedy provided under Article 226 of the Constitution to interfere with discretion judiciously and judicially exercised. The areas of interference in writ jurisdiction against orders of tribunals and quasi judicial bodies are explained by the Supreme Court in State of Madhya Pradesh v. Bhailal Bhai, AIR 1964 SC 1006. I find no legal infirmity, irrationality or perversity in the impugned order. Accordingly, no ground for interference is made out and the petition is ordered to stand dismissed.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**30.3.2016**  
**monika**