

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14891 of 1994 (O&M)
Date of Decision: 05.05.2016

Boria Singh Gill

... Petitioner

Versus

State of Punjab and another

... Respondents

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

Present: None for the petitioner.

Mr. Harkesh Manuja, Addl. AG, Punjab.

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

RAJIV NARAIN RAINA, J.

1. This petition was admitted in 1995. The case involves recovery of money against the petitioner and punishment imposed of stoppage of one increment on him by the disciplinary authority. The petitioner has been held responsible for excess replacement of gunny bags to the tune of 7872 in number amounting to Rs.60,000/- and odd. The petitioner has also been held guilty of shortage of wheat in a sum of Rs.59,000/- and odd. There are other defalcations indicated for which the petitioner has been made accountable by serving upon him a show cause notice under Rule 8 of the Punjab Civil Services Rules (Punishment and Appeal) Rules, 1970.

2. The writ petition was filed at a stage when minor penalty was proposed and recovery of money ordered for the crop year 1982-83 at P.R. Centre Lahragaga, District Sangrur where the petitioner remained posted during the relevant period. The petitioner was working as Inspector Food &

Supplies since mid 1972.

3. The recovery was stayed by this Court on December 05, 1994 where after the writ was admitted in August 1995. This Court at the first hearing had stayed passing of final orders on then show cause notice on October 12, 1994.

4. No one appeared for the petitioner on March 03, 2016 and the case was adjourned to await appearance of counsel. No one appears for the petitioner today nor has a request for pass over being made on behalf of the counsel for the petitioner. The petitioner has been protected by a stay order passed over 22 years ago. The petitioner must have retired from service by now. Therefore, the recovery part which has been stayed by this Court is made absolute in favour of the petitioner. Hence no recovery will be made from the petitioner. However, all other implications of the show cause notice with respect to punishment will become operative hereafter.

5. Accordingly, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

05.05.2016
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