

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

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**RSA No. 4608 of 2011 (O&M)
Date of decision: 23.07.2016**

State of Punjab and others

....Appellants

Versus

Kaka Singh Chahal and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

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

Present: Mr. Neeraj Yadav, AAG, Punjab.

Mr. Pardeep Sharma, Advocate for
Mr. B.S. Makkar, Advocate for respondent No.1.

P.B. Bajanthri, J.(Oral)

Appellants have questioned the order dated 28.07.2011 passed by the appellate Court. The respondent was working in the Canal Department since 1978. On certain allegations relating to shortage of store material, the respondent was penalized by asking him to remit Rs.1,27,970/- which is stated to be found short when the respondent was discharging the duties of the post held in Hingna (Canal). The recovery was without following the due procedure like issuance of show cause notice and holding disciplinary proceedings.

During pendency of this appeal, it is learnt that the appellants have initiated disciplinary proceedings in so far as allegations relating to

shortage of material worth about Rs.1,27,970/-. Thus it is admitted fact that before ordering recovery of Rs.1,27,970/-, respondent has not been provided opportunity as per the statutory rules governing the post held by respondent.

In view of these facts and circumstances, appellate Court order dated 28.07.2011 would not come in the way of appellants to determine the loss, if any, in the disciplinary proceedings after due procedure and giving opportunity to respondent. In this regard, the respondent is directed to cooperate in the disciplinary proceedings. The allegations relate back to 2006-2007. The appellants are directed to complete the enquiry proceedings and to pass final order within a period of 4 months from today. If the respondent is exonerated in the disciplinary proceedings, his monetary dues be settled within 3 months' from the date of exoneration.

Accordingly, appeal is disposed of.

23.07.2016

pooja saini

(P.B.BAJANTHRI)
JUDGE