

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.3714 of 2012
Date of Decision:- 19.5.2016.

Punjab State Civil Supplies Corporation Ltd.

.....Appellant

Versus

Gurdev Singh, Inspector and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

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

Present: Ms. Deepali Puri, Advocate for the appellant.

Mr. S.K. Arora, Advocate for respondent No.1.

P.B. BAJANTHRI, J.

1.) The appellants have questioned the order of the Trial Court as well as Appellate Court dated 8.5.1996 and 28.11.2011, respectively. The first respondent was in the cadre of Inspector. He was posted at PUNSUP Centre, Muktsar on 12.4.1984. He took charge on 21.4.1984 from one Nazar Singh. Thereafter, the first respondent was transferred from Muktsar to Kotkapura on 8.4.1988. During the intervening period, the appellant alleged that the first respondent has misused the office and position thereby a loss has been caused to the Corporation to the tune of ₹ 51,77,040/-. For the purpose of recovery of the said amount, appellant-Corporation

preferred suit before the Trial Court. On 8.5.1996, it was decided in favour of the appellant partly which reads as under:-

“18. In view of the findings on the above issues the suit of the plaintiffs succeeds with regard to the recovery of Rs.21660/- only and decree for the recovery of this amount with proportionate costs is hereby awarded in favour of the plaintiff and against the defendant. The plaintiffs are so held entitled to claim future interest at the rate of 12% p.a on this amount from the date of suit till decree and then at the rate of Rs.6% p.a. till realization. However, the claim of the plaintiff regarding the other amount fails and the same is hereby dismissed. Decree sheet be prepared. File be consigned to the record room.

Announced.

8.5.96.

*Sd/-
Addl. Civil Judge (Senior Div.)
Muktsar.”*

2.) Feeling aggrieved by the order of the Trial Court dated 8.5.1996, appellant-Corporation preferred an appeal before the Appellate Court. On 28.11.2011 appeal filed under Section 96 of the CPC by the appellant-Corporation was dismissed. Hence, the present Regular Second Appeal.

3.) The allegation against the first respondent by the appellant-Corporation is that he has misused the office and position thereby loss has caused to the appellant-Corporation to the tune of ₹ 51,77,040/-. Determination of the said amount is required to be

determined in an inquiry. Admittedly, there was no inquiry to determine the loss caused to the appellant-Corporation. On this sole lacuna, the appeal do not sustain. Hence, the order of the Trial Court as well as Appellate Court are upheld.

4.) Appeal stands dismissed.

(P.B. BAJANTHRI)
JUDGE

May 19, 2016.

sandeep sethi