

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

**210**

**RSA-2254-2013 (O&M)  
Date of Decision: 8.11.2017**

**RAMAN KUMAR AND ANOTHER**

**...APPELLANTS**

**VS**

**PUNJAB STATE POWER CORPORATION LTD AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI**

Present : Mr. Ashok Giri, Advocate  
for the appellants.

Mr. Bhupesh Dogra, Advocate for  
Mr.Amit Aggarwal, Advocate  
for the respondents.

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**AJAY TEWARI, J.(Oral)**

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit filed by the father of the appellants whereby he has challenged six recovery orders passed against him.

Brief facts of the case are that the father of the appellants was working as a Store Keeper and when he was to retire, at different times shortages were detected for which charge sheets were issued. The reply was filed and ultimately recovery orders were passed. Both the Courts below dismissed the suit on merits holding that the proper procedure had been followed.

Learned counsel for the appellants has argued that in all the cases except one case chargesheets for major penalty were issued and once that was

done it was incumbent upon the respondents to have gone through the process of regular enquiry.

Counsel for the respondents however, points out that in this case the father of the appellants was enjoined to first file an appeal so that all his contentions would have been properly considered by the appellate authority who is departmental officer and would have appreciated all the nuances but he straightaway filed the civil suit.

In my opinion, this argument of the counsel for the respondents is well merited. Once the employee did not challenge the order in an appeal which was statutorily provided he could not be held entitled to file a civil suit.

Consequently, the appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

8.11.2017  
anuradha

(AJAY TEWARI)  
JUDGE

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|---------------------------|---|--------|
| Whether speaking/reasoned | - | Yes/No |
| Whether reportable        | - | Yes/No |