

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

LPA No.404 of 2017 (O&M)

Date of Decision : 14.09.2017

Satyapal Singh

....Appellant

Versus

State of Haryana and another

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.Gaurav Mohunta, Advocate with
Mr. Gaurav Gogna, Advocate
for the appellant.

...

MAHESH GROVER, J. (Oral)

This appeal is against the judgment of the learned Single Judge dated 02.12.2016, upholding the punishment inflicted upon the appellant for dereliction of duty while working as an Additional Store Keeper. Some thefts were noticed in the store leading to a charge sheet and an inquiry indicting the appellant as also few other persons.

Learned counsel for the appellant contends that the entire inquiry report indicts the then principal and merely mentions the names of the appellant and few others in conclusion. It is thus contended that there is absolutely nothing to sustain in the order of punishment against him. That apart, it has been contended that although four thefts were recorded, only two took place during his tenure and considering the lack of evidence before the Inquiry Officer not only is the punishment wrong but it is highly disproportionate.

After hearing the learned counsel for the appellant, we are of the opinion that no interference is warranted in the impugned order. The learned Single Judge is right in holding that it cannot substitute his opinion

in place of the punishing authority, particularly when a proper inquiry has established the misconduct of the appellant. As an Additional Store Keeper it was his responsibility to maintain the sanctity of the stocks and any theft therefrom would involve the inference of dereliction of duty unless the appellant is able to offer sufficient justification of his alertness to his assignment.

Learned counsel for the appellant has also drawn our attention to the findings of the Inquiry Officer imputing the role to the Principal in syphoning off the stocks. We are of the opinion that as an Additional Store Keeper the appellant cannot escape his responsibility and the only inference that we can derive from the findings of the Inquiry Officer which have been read out to us is of the complicity of both the appellant and the Principal.

We thus do not find any infirmity in the impugned order particularly when 5% cut had been inflicted for a limited period.

Apart from this, the instant appeal is also barred by 73 days which we do not intend to condone in the absence of any plausible explanation.

Dismissed.

(MAHESH GROVER)
JUDGE

14.09.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No