

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

RSA No.2006 of 2014 (O&M)

Date of decision : 26.10.2017

Madanjit Singh and another

...Appellants

Versus

Punjab State Civil Supplies Corporation Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amrik Singh, Advocate for the appellants.

Mr. Anil Sharma, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Defendants-appellants are in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

The plaintiff-respondent, a Public Sector Undertaking had filed a suit for recovery against its employees to recover the value of short supply of food grains as per the instructions.

Both the Courts below have decreed the suit after appreciating the evidence available on the file.

Learned counsel for the appellants argued that the Civil Court does not have jurisdiction in such matters and only the disciplinary proceedings could be initiated. Learned counsel for the appellants has cited before me the judgment reported as *2006(3) SCC 736 titled as Punjab State Civil Supplies Corporation Ltd. Vs. Sikander Singh*, to support his

contention.

I have gone through the aforesaid judgment. In the cited judgment, employee had filed a suit against the Corporation for recovery of the price of some material. This was not a suit filed by the Corporation against its employees. Hence, the judgment being cited is distinguishable.

On the other hand, learned counsel for the respondents has brought to my notice the judgment passed by this Court in Civil Revision No.6253 of 2011, wherein judgment passed by the Hon'ble Supreme Court in Sikander Singh's case (Supra) was duly considered and explained. This Court held that civil suit is maintainable.

For the reasons recorded above, I do not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications are disposed of, in view of the abovesaid judgment.

26.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No