

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

CWP No.24869 of 2014.

Date of Decision: 30.01.2018.

Amarjit Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Manish Dadwal, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN.J.

This civil writ petition has been filed for issuing a writ in the nature of certiorari for setting aside the Inquiry Report dated 15.02.2006 (Annexure P-5) vide which charges against the petitioner were found to be proved; the subsequent order dated 29.08.2006 (Annexure P-8) whereby recovery was ordered and; order dated 08.04.2011 (Annexure P-13) whereby the appeal filed by the petitioner was dismissed and the liability was fastened upon him.

It is contended that the petitioner was serving as Godown Assistant. He was charge-sheeted by respondent No.3 on the allegations that while working at Jalalabad, he failed to maintain the health of wheat stocks measuring 2735 quintals for the year 1998-99 stored at S.W. Jalalabad. The damaged wheat stock was put to auction resulting into loss of Rs.18,52,922.77 including 50% incidental charges to the department.

It is contended that the petitioner joined at Jalalabad in September, 1999 and after four months, he was transferred to Phagwara.

While relieving, he handed over the charge to Sh. Baldev Singh, Technical

Assistant in May 1999 in the presence of Sh. Roop Lal, Senior Technical Officer, Ferozepur. At the time of handing over the charge, no damage was found however, later on the documents were tampered with by Sh. Baldev Singh and Sh. M.M. Thathai Warehouse Manager, Jalalabad to hide their misdeeds and misappropriation. It is further contended that vide order Annexure P-8, a sum of Rs.12,35,282/- was imposed upon the petitioner as penalty. On appeal, the appellate authority vide order Annexure P-10 reduced the recovery to 50% i.e. Rs.6,17,671/-. Annexure P-10- was quashed by this Court in CWP No.1696 2008 and the matter was remitted to the appellate authority for hearing the appeal on merits afresh. Vide order dated 19.01.2012 (Annexure P-13), the appeal filed by the petitioner was dismissed without affording an opportunity to defend himself.

As per the reply filed by the respondents, the petitioner remained absent from duty a number of times from 14.01.1999 to 27.05.1999 without any notice. Even telegrams were sent to the petitioner to join duty or appear before the Chief Medical Officer, Ferozepur. The petitioner was well aware of the damaged condition of the crop stocks and that is why he did not hand over the charge despite various reminders. The averment of no damage to the wheat was specifically denied by the respondents. Tampering of documents was also denied by the respondents. In the charge report, it has been specifically mentioned that the stocks were damaged and the petitioner has signed the same charge-handing report.

I have heard the learned counsel for the parties and have gone through the case file.

It is to be noticed that vide Annexure P-5, a detailed

inquiry was conducted and it was noticed that the wheat crop was in damaged condition at the time of handing over the charge by the petitioner to Sh. Baldev Singh which was subsequently sold through an auction and the Corporation has suffered a huge loss on this account for which the petitioner was found responsible. Still further, vide Annexure P-13, it has been found that the objection raised by the petitioner that he did not sign the charge handing report was found to be false on the basis of clarification made by the District Manager, Ferozepur. Before the appellate authority, the petitioner sought to produce the original copy of charge-handing report, however, on the adjourned hearing, neither he participated in the proceedings nor did he send any information. This Court finds no fault in the impugned orders which are based on the correct appreciation of factual aspect of the matter. The petitioner had been afforded sufficient opportunity to defend his case, however, he did not choose to appear before the authorities. No fault can be found with the impugned orders.

Consequently, the writ petition is dismissed.

30.01.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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