

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

201

**RSA No.2610 of 2009 (O&M)
Date of Decision : 16.01.2018**

Joginder Singh

..... Appellant

Versus

Punjab State Civil Supplies Corporation Ltd.
(PUNSUP), Chandigarh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. V.K.Shukla, Advocate
for the appellant.

Mr. Athar Ahmed, Advocate
for respondents No.1 and 2.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing a suit for recovery filed by the respondents-PUNSUP.

The brief facts are that the appellant and the co-defendant-Baldev Singh were jointly incharge of the Zira Centre of the PUNSUP and were given the task of procurement of wheat for the crop of 1987. The further allegation is that neither the entire wheat procured by them was delivered and even in respect of the wheat which was delivered there were unacceptable level of moisture etc.

In the written statement filed the plea of the appellant was that in fact the incharge was the co-defendant and rather the appellant had filed complaints to the respondents-PUNSUP against the co-defendant alleging that he was misappropriating the wheat. In the evidence the respondents-

PUNSUP produced the procurement register and the delivery bills. It is pertinent to mention here that during his testimony the appellant accepted his signatures on the procurement register and on the delivery bills and also that he was jointly incharge of the wheat stock. Further the respondent proved the shortages on the basis of the audit report which had calculated the same as per the receipt register and the delivery bills. As regards the quality of the wheat and the missing quantity of bardana also positive evidence was led. On the basis of this evidence both the Courts below having decreed the suit the appellant is before this Court.

The argument raised by learned counsel for the appellant is that the audit report by itself could not prove loss. He has also cited a few judgments in support of this proposition. There is no quarrel with this proposition of law but it can not be lost sight of that in the present case the appellant has accepted his signatures on the procurement register and on the delivery bills. Once that is so it can not be said that the quantities have been proved only on the basis of audit report.

No other argument having been raised, no fault can be found with the judgments of the Courts below.

Appeal is dismissed.

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

(**AJAY TEWARI**)
JUDGE

16.01.2018
Pooja sharma-I

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