

(106)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.350 of 2017 (O&M)
in CWP No.25450 of 2012
Date of decision: 07.02.2018

Gurinder Singh

..... Appellant

Versus

Punjab Agro Industries Corporation (PAIC) Ltd.
and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. J.P. Rana, Advocate for the appellant.

Rajesh Bindal, J.

Order passed by the learned Single Judge whereby punishment of reversion from the post of Manager (G) to Executive-I (G) of the appellant was upheld, has been impugned in the present intra-court appeal.

The contention raised is that there was no charge in the chargesheet on the basis of which punishment has been inflicted namely considering the capacity of the mill where the paddy was being stored with reference to its milling capacity.

In the chargesheet issued to the appellant on 23.09.2009, following charges were levelled:-

1. He was negligent in performance of his duties as Sr. District Manager, Fatehgarh Sahib.

2. 20992 MTs of paddy was procured during 2007-08 and was stored in M/s Thakur Singh Open Plinth and M/s Ranwan Open Plinth, Khamano out of which 9548 Mts of paddy remained unmilled due to his carelessness and negligence.
3. He failed to exercise proper control on the staff working under him and due to his gross negligence the paddy stocks were kept in uncountable form at M/s Thakur Singh Open Plinth and M/s Ranwan Open Plinth, Khamano to avoid conducting of physical verification of stocks. Due to improper upkeep of paddy, the P.V. could not be conducted by a team constituted by Head Office.
4. Due to carelessness and negligence of Sh. Gurinder Singh, Paddy stocks were damaged and the Corporation was put to heavy loss.
5. During a meeting held on 08.01.2009, he was directed to make the stocks in countable form upto 23.01.2009 but he failed to do so.

A perusal of the aforesaid charges shows that there is specific allegation regarding substantial stock of paddy remaining unmilled due to his carelessness and negligence; lack of proper control on the staff working under him; gross negligence on account of which paddy stored remained in uncountable form and even the physical verification was not possible due to improper upkeep thereof, as a result the Corporation claimed that it suffered a loss of about ₹ 8.25 crores.

Considering the fact that there was a specific charge against the appellant regarding carelessness and negligence in performance of his duties

and not supervising the huge stock stored in the mills, we do not find that there is any error in the order passed by the learned Single Judge.

Accordingly, the appeal has no merit and the same is dismissed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

07.02.2018
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- 1. Whether speaking/reasoned : Yes/No.
- 2. Whether reportable : Yes/No.