

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

**RSA 4423/2016 (O&M)
Date of decision:19.09.2018**

Tarlochan Singh

.....Appellant

v.

Food Corporation of India through its General Manager and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Manmeet Singh Rana,Advocate for the appellant.

Jaswant Singh,J,(Oral).

Plaintiff/appellant is in second appeal against concurrent findings recorded by the Courts below whereby his suit for declaration and mandatory injunction was dismissed by Civil Judge (Senior Division) Kapurthala vide judgment an decree dated 6.5.2015 and the findings thereof were affirmed in appeal by learned Additional District Judge,Kapurthala vide judgment and decree dated 2.12.2015.

Heard learned counsel for the appellant at length and perused the paperbook carefully.

Plaintiff filed the suit with the averments that on attaining the age of superannuation he retired on 31.8.2008. He was working as Manager in the office of FCI Hoshiarpur. He was charge sheeted vide letter dated 19.9.2005. The disciplinary authority after considering the reply to the charge sheet vide order dated 29.7/6.8.2006 imposed a penalty of token recovery of Rs.10,000/- alongwith reduction in time scale of pay by one stage for causing loss to the Corporation. Plaintiff filed an appeal against the punishment order but the same was dismissed by the appellate authority on 19.12.2006. Hence the suit challenging the punishment order dated 29.7/6.8.2006 and appellate order dated 19.12.2006.

Both the Courts below on the basis of oral as well as documentary evidence have found that plaintiff while appearing in witness box as PW1 admitted that stock in question regarding which the suit was

filed was received by him and he was ordered to visit the destination center after receipt of the complaint and he failed to get conducted the joint inspection. It was thus found that there was willful lapse on the part of the plaintiff while performing his duties. It was further held that nothing beneficial could be extracted by the plaintiff/defendant from the cross examination of DW2-Davinder Kumar, Managing Director. It was further held that the suit was filed after five years of cause of action and thus the suit was barred by limitation.

Further, I fully agree with the Courts below which have held that it is settled law that power of judicial review in disciplinary cases is limited and can be exercised only where the authority held the enquiry proceedings in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of enquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence or is such that no reasonable person would have reached.

In view of the above reasoning and findings recorded by both the Courts below, no question of law much less substantial question of law arises for consideration in this appeal.

Dismissed.

19.09.2018
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(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No