

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
108**

RSA-2395-2017

Date of decision:26.11.2018

P.S.WALIA

...APPELLANT

V/S

REGISTRAR, CO-OPERATIVE SOCIETIES, PUNJAB, CHANDIGARH
AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.S.Modi, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The present appeal has been preferred challenging the judgment and decree dated 29.04.2014 passed by the Civil Judge (Junior Division), Bathinda, whereby the suit preferred by the appellant for declaration that the enquiry and the consequential punishment order initiated and passed by the respondents-The Registrar, Co-operative Societies, Punjab, Chandigarh including the Punjab State Co-operative Supply and Marketing Federation, Markfed, is contrary to the Statutory Rules and further that the Enquiry Officer has not taken into consideration the relevant factors including evidence on record while holding the appellant guilty in his enquiry report. Prayer has also been made that since the appellant has retired in the year 1998, initiation of the enquiry proceedings and the issuance of the charge-sheet on 25.09.2000 cannot sustain. It has also been asserted that the Courts below have not taken into consideration the Letter dated 17.02.1997 Ex. PW where the FCI had accepted the fact that the stocks have been picked up as

per the priority order and the FCI received the stock through its gate passes without any remarks and there was no objection with regard to the quality of the stock, which was picked up. Challenge has also been made to the imposing of punishment and the subsequent rejection of his appeal by the authorities on the said grounds.

I have considered the submissions made by the learned counsel for the appellant and with his assistance, have gone through the judgments passed by the Courts below as well as the Letter dated 17.02.1997 Ex. PW on which reliance has been placed by the learned counsel for the appellant but do not find myself in agreement with the assertions made by the counsel for the appellant.

Firstly, Statutory Rules provides for the limitation of the departmental proceedings within a period of three years from the date of retirement and since the charge-sheet has been issued to the appellant within the said time, therefore, it cannot be said that the disciplinary proceedings initiated against the appellant are contrary to the Statute and could not have been so initiated and taken against him.

As regards the enquiry report, which has been challenged primarily based upon the Letter dated 17.02.1997 Ex. PW, the same also cannot be gone into in the light of the limited jurisdiction of the Civil Court and in any case, the said document would not adversely affect the findings recorded by the Enquiry Officer leading to the finding, as recorded by the Enquiry Officer, perversely and contrary to the Statutory Rules. Since the order passed by the competent authority is within the ambit and scope of the Statutory Rules, this Court does not find any illegality in the judgments and decree passed by the Courts below.

There is no substantial question of law in the present appeal which requires consideration of this Court.

In view of the above, finding no merit in the present appeal, the same stands dismissed.

November 26, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No