

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

CWP No.9186 of 2019
Date of decision : 5.4.2019

Jaswinder Singh

.....Petitioner

Versus

The Punjab State Cooperative Supply & Marketing
Federation Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Shiv Kumar, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.

The petitioner who is serving on the post of peon under the Punjab State Cooperative Supply & Marketing Federation Limited has filed the instant petition raising a two fold grievance (i) challenge is to an order dated 11.1.2019, Annexure P.13, confined to the extent that it has been recited therein that he would not be given charge of wheat stocks; (ii) counsel for the petitioner while adverting to communication dated 2.8.2018, Annexure P.14 (Colly.) submits that merely on an allegation regarding embezzlement of wheat stock for the crop year 2014-15, in the wake of a contemplated charge sheet, the petitioner has been called upon to deposit ₹36,185/-, i.e. the alleged loss caused to MARKFED.

Counsel for the petitioner has been heard.

In so far as the first grievance noticed hereinabove, counsel for the petitioner has argued that the recital in order dated 11.1.2019 regarding not entrusting the charge of stocks of wheat in the future would be stigmatic in nature.

Such submission in the considered view of this Court is not well founded.

Petitioner holds the substantive post of Peon under MARKFED. Apparently, at a certain point of time, he was deployed as a salesman, i.e. having been given additional charge. It is conceded by counsel for the petitioner that in spite of being deployed as a salesman, the petitioner continued to draw the pay and emoluments attached to the substantive post of peon. Vide order dated 11.1.2019, Annexure P.13, the petitioner who had earlier been placed under suspension has been reinstated into service without prejudice to the outcome of departmental proceedings/criminal prosecution launched against him. It is in this context that the recital has been made in the order dated 11.1.2019 that he would not be given charge of the stocks of wheat. It is not the case made out that entrustment of the charge of stocks of wheat falls within the scope of duties and responsibilities attached to the post of Peon. The order dated 11.1.2019, Annexure P.13 cannot be construed as an order of reversion either. Counsel for the

petitioner has not been able to demonstrate as to on what basis such order would be stigmatic in nature. This is merely an apprehension.

It may be clarified that in future, if an eventuality arises whereby the petitioner is denied any service benefit on account of such recital which is being termed as stigmatic, it would be open for him to challenge it, in accordance with law.

In any case, the order dated 11.1.2019, Annexure P.13, does not vary the service conditions of the petitioner to his detriment.

As regards the petitioner being called upon to deposit ₹36,185/-, i.e. alleged loss to the MARKFED on account of embezzlement of wheat stock, the petitioner has already responded vide communication dated 29.8.2018, at Annexure P.15 and has conveyed his refusal.

No coercive step thereafter having been initiated against the petitioner. The department apparently is contemplating the initiating of departmental proceedings in terms of charge sheet.

Suffice it to observe that recovery of ₹36,185/- from the petitioner can only be initiated, in accordance with law and after findings are returned against the petitioner in proceedings in which he is duly associated.

No interference at this stage is called for.
Writ petition is disposed of.

April 5, 2019	(TEJINDER SINGH DHINDSA)
KD	JUDGE

Whether speaking / reasoned:	Yes / No
Whether Reportable:	Yes / No