

224 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 18851 of 2012.

Date of Decision: 19.03.2019.

Raj Pal Singh and others ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Parveen Kumar Garg, Advocate,
for the petitioners.

Mr. Vikas Mohan Gupta, Addl. AG Punjab.

JITENDRA CHAUHAN.J.

The challenge in the present writ petition is to the charge-sheets dated 22.09.2004 and 01.05.2006 (Annexure P-1 and P-2) and order dated 07.07.2010 (Annexure P-5) passed by the Director, Food, Civil Supplies and Consumer Affairs, State of Punjab whereby a collective penalty of Rs.98 lakh was fastened upon the petitioners as also certain other employees. Such order of penalty passed by the Punishing Authority was thereafter affirmed by the Appellate Authority vide order dated 27.01.2012 (Annexure P-6).

On 22.09.2004 the respondents issued a charge-sheet to petitioner Nos.1 to 3 claiming loss of Rs.71,19,085/- in the wheat crop for the year 1998-99 as the wheat was rejected by the FCI being damaged. On sale of the said wheat in auction, a shortage of 3893.31.000 quintal occurred as the same was sold at a lesser rates. The petitioners were issued charge-sheets dated 01.05.2006 and 21.02.2005 (Annexure P-2) on account of loss of Rs.51,47,174.43 on account of shortage of 3903.26.00 quintal wheat.

It is contended that after holding a detailed inquiry, the charge-sheet (Annexure P-1) was not proved. However, against the finding of Inquiry Officer, the Punishing Authority issued dissenting notes dated 28.06.2007 dated 04.10.2007 (Annexure P-3 and P-4 respectively). The Punishing authority without considering the pleas raised by the petitioners imposed punishment of recovery from the salary/retirement benefits of the petitioners and other employees by passing a combined order dated 07.07.2010 (Annexure P-5).

As per the respondents, when the petitioners were posted at Moga Centre, due to non-maintenance of the wheat stock by the petitioners, the wheat was rejected by the FCI. The rejected wheat stock was sold in auction as a result of which a heavy financial loss amounting to Rs.71,19,085/- was suffered by the Government. The officials concerned were charge-sheeted. In the charge-sheet, it was clarified that after disposal of the wheat stock, the concerned officials did not furnish the P.R. 35 reports and if any shortage came to the notice of the Government after preparation of P.R. 35 reports, they shall also be responsible for that shortage in addition to the already reported shortage. The wheat stock was partly dispatched within one year of its storage through special dispatches (Annexure R-2 to R-7) and after the preparation of P.R.35 reports, some more shortage of total 3903.26 quintals as well as less excess of 563 quintal 99 kg 784 grams, was detected due to which the Government suffered a loss of Rs.71,19,085/- and Rs.51,47,174-48/- respectively. The erring officials

were charge-sheeted. Consequently, orders dated 07.07.2010 (Annexure P-5) and 27.01.2012 (Annexure P-6) were passed by the respondents to recover the financial loss.

Heard.

The petitioners are employees of the Food and Supplies and Consumer Affairs Department, Punjab. At the relevant time, they were posted at Moga Centre. Wheat crop for the year 1998-99 was stocked under the effective control and supervision and on account of non-maintenance of the wheat stock by the petitioners, the wheat was rejected by the FCI. The rejected wheat stock was sold in open auction as a result of which a heavy financial loss amounting to Rs.71,19,085/- and Rs.51,47,174-48/- occurred to the Government. From the perusal of the record, it is evident that due to the negligence of the petitioners, the government has suffered a heavy loss. No benefit can be allowed to the petitioners on account of dissenting note as in response thereof, Sh. Mahal Singh, Balwant Singh and Rajpal Singh filed the reply wherein the plea taken in defence statement was reiterated. The petitioners were afforded personal hearing as well. No fresh material was placed before the competent authority.

No ground for interference is made out.

Dismissed.

19.03.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No