

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
113**

RSA-4325-2017

Date of decision: 14.01.2019

S.K. MAHINDRU

...APPELLANT

VS.

THE FOOD CORPORATION OF INDIA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Arvind Kashyap, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment and decree dated 26.05.2015 passed by the Civil Judge (Junior Division) Pathankot, whereby the suit for declaration to the effect that the order dated 23.11.2007 passed by the General Manger, Regional Office, Food Corporation of India, Chandigarh whereby the plaintiff was penalized with recovery of ₹25,000/- and stoppage of one increment without cumulative effect has been imposed and the order passed by the Executive Director (North) Food Corporation of India dated 12.05.2008 in an appeal preferred by the appellant be set aside and the recovery amount be returned to the appellant along with interest by restoring the increment, which has been stopped, stands dismissed, appeal against which preferred by the appellant stands dismissed by the District Judge, Pathankot vide judgment dated 16.11.2016.

It is the contention of the learned counsel for the appellant that

the appellant has been punished without providing him the copy of the report of the Committee, which was constituted and the same became the basis for imposition of punishment upon the appellant. His further contention is that non-supply of the report of the Committee has prejudiced him in defending himself. The Committee report, therefore, being the basis for imposition of penalty upon the appellant renders the orders passed by the Courts below as also the impugned order of punishment passed by the Appellate Authority not in accordance with law. That apart, he contends that the appellant has not been given an opportunity of being heard prior to imposition of punishment.

I have considered the submissions made by the learned counsel for the appellant and with his assistance, have gone through the impugned judgments.

Although an assertion has been made by the appellant that he has not been supplied the report of the Committee which has been made the basis for imposition of punishment but the said fact has been specifically denied by the respondents. It has been asserted that the report of the Committee was not the basis for imposition of punishment upon the appellant and in any case, all the relevant documents, as per the rules and regulations, were duly supplied to the appellant. There was no objection raised by the appellant and there being non-supply of any documents, he could have submitted a protest. Assertion has also been made that even while filing replies dated 27.06.2007 and 26.09.2007, no protest was lodged by the appellant with regard to non-supply of the documents. It has specifically been denied that the Committee report was demanded by the appellant for clarifying his position. On the basis of the evidence, which

has been led by the parties, the Courts below have come to a conclusion that the relevant documents, which were required and had been sought by the appellant, have been duly supplied. It has further been found that there is no violation of the statutory Rules. The Courts have also given a positive finding that even assuming that the Committee report was not supplied to the appellant, he has failed to establish any prejudice having been caused to him because of non-supply of the said report especially in the light of the fact that it has been asserted that the charge-sheet or the final order of punishment was not based upon the report of the Committee.

It would not be out of way to mention here that the jurisdiction of the Civil Court in departmental proceedings is limited and in exercise of the said jurisdiction, there has been no violation of any kind by the Courts below. The judgments, as passed by the Courts below, are based upon proper appreciation of the evidence and keeping in view the limited jurisdiction and the Statutory Rules, this Court does not find any illegality in the orders passed by the Courts below which would call for interference by this Court.

In view of the above, the present appeal stands dismissed.

January 14, 2019
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No