

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

CWP-12727-2020

Date of decision:-26.8.2020

Manjit Singh

...Petitioner

Versus

Punjab Agro Industries Corporation and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Manjit Singh, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

Petitioner – Manjit Singh, working as Store-man presently posted in the office of District Manager, Punjab Agro Foodgrains Corporation (hereinafter referred to as PAFC) Nawanshahr (SBS Nagar) has filed the present writ petition under Articles 226/227 of the Constitution of India against the respondents Punjab Agro Industries Corporation, Chandigarh, The Managing Director, Punjab Agro Industries Corporation, Chandigarh, The General Manager (HR), Punjab Agro Industries Corporation and Ms.Anjana Kapoor, General Manager – cum – enquiry Officer, PAFC, Chandigarh for issuance of a writ in the

nature of certiorari quashing the charge-sheet dated 19.6.2020 (Annexure P1) issued by respondent No.2 vide which the petitioner has been alleged to be guilty of standard weight shortage during the period of wheat crop year 2018-19 on account of less moisture gain as well as deduction of the carry over charges, moisture cuts and weeviling charges made by Food Corporation of India and alleging that petitioner is guilty for the difference of the cost of wheat stocks disposed by way of calling tenders on account of categorization of the stocks by Food Corporation of India with 10% overhead charges to the tune of Rs.4,59,63,778/-. He has further sought issuance of a direction to General Manager – cum – Enquiry Officer, PAFC – respondent No.4 not to proceed with the enquiry in terms of order dated 13.7.2020 issued by General Manager (HR), Punjab Agro Industries Corporation – respondent No.3 requesting respondent No.4 to complete the enquiry within a period of 10 weeks.

On the face of it, the petition does not appear to be maintainable. The petitioner an employee of PAFC has been charge-sheeted for misconduct alleging that he had caused loss to the department on account of his negligence. He was required to file reply within 15 days. He did not do so and rather sought extension, which was declined, though later on the reply filed by him is said to have been taken on record. An enquiry against him has been instituted. The grouse of the petitioner is that the Enquiry Officer is conducting the enquiry in a hurried manner. One is unable to understand how the petitioner is being prejudiced by expeditious proceedings in the departmental enquiry against him. An employer has got a right to look into the allegations of misconduct against

an employee. Of course that is to be done as per rules of natural justice and service rules. There does not appear to be any violation of service rules in holding of departmental proceedings against the petitioner. As discussed earlier, the petitioner has been served with charge-sheet requiring him to file reply thereto within 15 days, which he failed to do. He is said to have filed reply on 15.7.2020 which as per the petitioner himself has been taken on record. The Enquiry Officer has been appointed to look into the charges against the petitioner. The only grouse of the petitioner, which comes to be there is that the Enquiry Officer is proceeding very fast, which cannot be taken adversely since prompt action for completion of any task is always desirable, of course not by violating the mandatory provisions of law. There does not out to be any *mala fide* in holding of departmental proceedings against the petitioner.

Learned counsel for the petitioner has tried to argue on merits that petitioner cannot be held responsible for the alleged loss incurred by Punjab Agro Industries Corporation, Chandigarh to the wheat crop but since departmental proceedings against the petitioner are pending, it is for the Enquiry Officer to arrive at the conclusion as to whether the petitioner was responsible for the loss to the wheat stock by acts of his omission or commission. This Court can certainly not hold parallel enquiry in the matter.

Furthermore, no fundamental right of the petitioner is shown to have been violated, aggrieved by which he might have approached this Court invoking the writ jurisdiction praying for interference in the departmental proceedings at this stage. A full-fledged procedure is there

providing remedy of filing appeal against any order passed by the employer/punishing authority, if the verdict in the departmental proceedings goes against the petitioner. However, if he is exonerated then he need not have to do that exercise.

Under the circumstances, the petition cannot proceed and is dismissed accordingly.

26.8.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No