

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

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**CWP-28313-2018(O&M)
Date of decision:01.09.2022**

VIJAY KUMAR

....Petitioner

Versus

PUNJAB STATE POWER CORPORATION LIMITED AND ORS

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Manu Loona, Advocate
for the petitioner.

Mr. Sahil Sharma, Advocate
for respondents No.1, 4, 5 and 6.

Mr. T.S. Sidhu, Advocate
for respondents No.2 and 7.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to return the original documents, (i) Matriculation Certificate (ii) Graduation Certificate & (iii) Diploma Certificate of the petitioner which were send in original to Bathinda Circle P&M for checking vide letter No.6365/EPT 133 dated 04.09.1991.

Learned counsel for the petitioner contends that the petitioner has joined employment through CRA 164/90 in direct recruitment as SSO vide ID No.248355 at P&M Sri Muktsar Sahib on 20.03.1991. At the time

of joining, the petitioner has submitted his original certificates referred to above and the same remained in the custody of respondent No.4. He submits that the petitioner has since then superannuated as AAE on 31.07.2013 and then he asked for the return of his original documents and certificates that were lying with the said respondent. However, the original certificates were not being returned.

Notice had been issued to the respondents. Sh. Sahil Sharma, Advocate, who appears on behalf of respondent-PSPCL on instructions from Sandeep Garg Law Officer submits that the original certificates had actually been submitted by the petitioner with the respondent-department, however, on account of negligence, the same have been misplaced. He thus contends that as the original documents are misplaced, the same cannot be returned in original. He further contends that in such an eventuality, the petitioner would be at liberty to seek duplicate certificates from issuing agency.

Learned counsel for the petitioner contends that some cost ought to be imposed on the respondents for having misplaced the said documents.

Even though the said issue does raise a concern about the manner in which documents are being handled, however, sufficiency of cost as a compensatory measure for harassment of the petitioner is a question of fact to be determined. Writ Court would not ordinarily enter in such an area as it would fall in the domain of Civil Court.

Resultantly, without going into the said controversy, the present petition is disposed of at this stage since the relief claimed in the

present petition cannot be granted. The respondent cannot be directed to hand over the originals of the certificates that are missing. The petitioner can, with the aid of the statement made by authorities before this Court, seek issuance of duplicate certificates from the issuing authorities.

The petitioner is however at liberty to initiate any/all such proceedings from the erring officials as are available to him in accordance with law. The disposal of the present writ petition is not a waiver against the misconduct and negligence of the authority/concerned officials.

Petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

01.09.2022
Amandeep

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