

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

RSA NO.744 of 1992(O&M)

Date of Order:11.10.2023

Dev Raj Kalia**.Appellant****Versus****Punjab State Electricity Board, Patiala and others****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Ms. Kulwinder P.K.Gill, Advocate
for the appellant.**

**Mr. Tarun Vir Singh Lehal, Advocate
for the respondents.**

ANIL KSHETARPAL, J

1. The correctness of the concurrent findings of fact arrived at by the courts below is assailed in this second appeal by the plaintiff. His suit for grant of decree of mandatory injunction directing respondent no.3 and 4 to take over the complete charge from the plaintiff and to issue him necessary Accounts Rendering Certificate has been dismissed by both the courts below.

2. At the relevant time, the appellant was posted as a Junior Engineer Grade-II at Rampura Phul, District Bathinda. He was transferred to Ferozepur Circle vide order dated 31.05.1986. He was required to hand over the charge of the material in his possession. Despite directions by the employer, the appellant did not hand over the charge. It is the case of the plaintiff that no Junior Engineer was posted in his place therefore, he could not hand over the charge to the newly appointed Junior Engineer as the charge can only be handed over to the incumbent of the similar post.

3. On the other hand, it is the case of the respondents that the higher authorities directed the appellant to hand over the charge to the Sub Divisional Clerk.
4. Both the courts on appreciation of the evidence have found that till the filing of the suit as well as decision of the case, the plaintiff failed to hand over the charge thus the courts below drew adverse inference that there was shortage of the material that was under the appellant's custodianship and it was for this reason the plaintiff refused to hand over the charge.
5. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.
6. Dismissed, accordingly.
7. All the pending miscellaneous applications, if any, are also disposed of.

October 11, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Whether reportable

:YES/NO

:YES/NO