

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

383

CWP-10614-2001
Decided on : May 22, 2024

RAMESH KUMAR

..... Petitioner

Versus

PUNJAB STATE CIVIL SUPPLIES CORP. & ANOTHER.

..... Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. H.S. Randhawa, Advocate for the respondents.

NAMIT KUMAR, J. (Oral)

1. The present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India, seeking writ in the nature of *certiorari* for quashing the orders dated 21.09.1998 and 02.06.2000 (Annexure P-3 and P-6, respectively) and further a writ of *mandamus* has been sought, directing the respondents to allow the petitioner to continue to perform the duties and to pay him salary for the intervening period i.e. from the date, when case of the petitioner was remanded by the appellate authority, vide order dated 16/18.03.1999 (Annexure P-5).
2. The brief facts, as have been pleaded in the writ petition, are that the petitioner was appointed as 'Shop Assistant Grade – I' and subsequently promoted as 'Sub-Inspector', which was later on redesignated as 'Inspector Grade – II'. Vide letter dated 04.02.1997, the petitioner was issued charge sheet pertaining to PUNSUP Centre, Rampura Phul, for the Crop years 1993-94, 1994-95 and 1995-96, for giving less excess than the fixed norms, resulting into loss and non-release

of payment by the F.C.I. (Food Corporation of India) due to grading Bardana 'B' class etc. Thereafter, another charge sheet dated 21.03.1997 was issued to the petitioner under Rule 8 of the Punjab Civil Services (Punishment & Appeal) Rules, 1970 pertaining to the Crop years 1994-95 and 1995-96 and of the same Rampura Phul Centre. After conducting enquiry, he was dismissed from service, vide order dated 21.09.1998 and recovery of Rs.9,09,664.35/- was imposed upon him. Aggrieved by the above said order, the petitioner along with other officials preferred appeal, whereby matter was remanded back to the Managing Director, vide order dated 16/18.03.1999. Thereafter, the disciplinary authority, vide its order dated 10.07.2000 imposed the same punishment upon the petitioner and aggrieved by the said order, the petitioner preferred an appeal dated 01.08.2000 (Annexure P-7) and gave subsequent reminder dated 03.03.2001 (Annexure P-8) for deciding the same. Hence, this petition.

3. On 09.04.2024, the following order was passed by this Court:-

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“ Learned counsel for the petitioner submits that despite writing letter to the petitioner, he has not received any response, therefore, he pleads no instructions.

Learned counsel for the respondents submits that against the punishment order of dismissal and recovery, the petitioner had preferred an appeal which was rejected by the Appellate authority vide order dated 11.03.2003 by upholding the order of dismissal and recovery of Rs.9,09,665.35/- and the said order has not been challenged by the petitioner.

In view of the above, let notice be issued to the petitioner for 08.05.2024. ”

xxx xxx xxx xxx

4. Learned counsel for the petitioner submits that an appeal was preferred by the petitioner against the order of his dismissal and imposition of

recovery of Rs.9,09,664.35/-, which has been rejected by the Appellate Authority, vide order dated 11.03.2003, and the said order has not been challenged by the petitioner in the instant petition.

5. Upon this, learned counsel for the respondent-Corporation has also placed on record a copy of the order dated 11.03.2023 and submits that since the order of dismissal and recovery of Rs.9,09,664.34/- has been merged into the order dated 11.03.2003, passed by the Appellate Authority rejecting his appeal, which has not been challenged till now, therefore, no relief can be granted in the present writ petition.

6. Having heard learned counsel for the parties and perusing the record, it is evident from the record that the petitioner has preferred this writ petition in the year, 2001 and during the pendency of the present petition, his service appeal has been decided in the year, 2003 and he has not laid challenge to the same till now and since the impugned orders have been merged into the order dated 11.03.2003 passed by the Appellate Authority, the petitioner cannot be granted any relief in the present writ petition and accordingly, the same is disposed of, as such.

May 22, 2024
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(NAMIT KUMAR)
JUDGE

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