



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

CWP-8938-1999

Date of decision: 18.08.2025

Jagan Nath

....Petitioner

Versus

Punjab Small Industries and Export
Corporation Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aakash Singla, Advocate and
Ms. Vaishali Singla, Advocate
for the petitioner.

Mr. S.S. Bhinder, Advocate
for the respondent-PSIEC.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the order dated 24.05.1999 (Annexure P-11) and further for issuance of a writ in the nature of *mandamus* directing the respondent-Corporation to drop the charge sheet (Annexure P-2/A) against the petitioner completely.

2. Learned counsel for the petitioner *inter alia* contends that vide impugned order Annexure P-11, a regular enquiry has been ordered against the petitioner. On earlier occasion, on the same charges, he has been subjected to an enquiry in which he was exonerated. Petitioner in compliance of the order passed by this Court on 15.09.2013 has placed on record as Annexures P-12 to P-14. Further, the petitioner relies upon Annexure P-4 dated 18.05.1993, on the same set of allegations, the charge sheet against the petitioner was withdrawn on 23.04.1993, thereafter, the order was modified by the Managing Director of



the respondent-Corporation for keeping it in abeyance till the outcome of the decision of the Railway Tribunal and the respondent-Corporation is blowing hot and cold in the same breath. The entire case of the respondent-Corporation against the petitioner is with regard to the loss suffered by the Corporation to the tune of ₹4,73,425/-, which has been deducted by the Steel Authority of India Limited (SAIL) from the Corporation's Commission. The petitioner has submitted his reply to the charge sheet on 27.07.1992. Thereafter, the charge sheet was dropped on 23.04.1993 (Annexure P-3). The Managing Director of the respondent-Corporation has modified the order dated 23.04.1993 and ordered keeping the charge sheet in abeyance till the outcome of the case pending before the Railway Claims Tribunal. The allegations against the petitioner including the loss suffered by the SAIL on account of pilferage of the stock during transit by the railways led to investigation by the Central Bureau of Investigation. After the detailed investigation, final report (Annexure P-15) was presented. The complicity of the petitioner in the pilferage of the stock was not found and as such, the Superintendent of Police of CBI Chandigarh concluded no action is recommended against the petitioner. The petitioner has since retired and his retiring dues have already been paid to him. The foundation of the misconduct alleged against the petitioner has been thoroughly investigated by the CBI and the complicity of the petitioner was not proved at all as discernible from the final report (Annexure P-3). The allegation contained in the impugned order Annexure P-11 is also part of the earlier charge sheet issued by Annexure P-7 and he further refers to Annexure P-1 attached with Annexure P-7 at page 47 of the paper book and submits that the misconduct alleged in the impugned order Annexure P-11, duly finds mention and recorded at Annexure P-1 attached with Annexure P-7. He further refers to the finding



recorded by the Investigating Officer and submits that the very basis of the fresh charges contained in Annexure P-11 have been gone into by the Inquiry Officer and he has concluded that the certificate pertaining to the shortage of 164.820 Mts. Pig Iron issued by the Railways was found to be genuine one and he has obtained the certificate of shortage from the concerned quarters. Further, there is no nexus with regard to the allegations against the petitioner with the outcome of the case pending before the Railway Tribunal. Admittedly, the claim has been made by SAIL against the Railway for pilferage of the stock during transit and the findings of the Inquiry Officer contained in Annexure P-13 is also on merits touching the entirety of the alleged misconduct mentioned in the impugned order Annexure P-11.

3. Mr. S.S. Bhinder, Advocate puts in appearance on behalf of respondent-PSIEC and submits that initially, the petitioner was charge sheeted and thereafter, the Managing Director of the respondent-Corporation has kept the charge sheet in abeyance to await the outcome of the case pending before the Railway Tribunal. However, he could not controvert the fact that the complicity of the allegations against the petitioner with regard to the bogus certificate causing loss to the respondent-Corporation to the tune of Rs.4,73,725/- has been inquired by the Central Bureau of Investigation and after detailed investigation, no action has been recommended against the petitioner. Further, the Inquiry Officer in the separate charge sheet has also gone into the allegations against the petitioner with regard to the bogus certificate of shortage of 164.820 of Mts. of Pig Iron and has concluded that the petitioner has obtained a genuine certificate of shortage from the Railways.

4. Having heard learned counsel for the parties, and after perusal of the records, it is clear from the factual position that the petitioner is not



responsible either for shortage of Pig Iron valued at Rs.16,82,530/- or with regard to furnishing of bogus certificate pertaining to shortage of 164.820 Mts. of Pig Iron issued by the Railways. Both the allegations have been inquired into by the Central Bureau of Investigation as well as by the Inquiry Officer in its supplementary report Annexure P-13). On both occasions, the misconduct as alleged in Annexure P-11 against the petitioner has not been proved.

5. In view of the factual position and admitted circumstances of the case, the present writ petition is allowed and order dated 24.05.1999 (Annexure P-11) is hereby set aside.

(HARPREET SINGH BRAR)
JUDGE

18.08.2025

Neha

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