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

**RSA-1723-2024 (O&M)
Date of Decision: 04.08.2025**

Punjab State Civil Supplies Corporation Ltd. and othersAppellants

Vs.

Sher Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Amandeep Singh, Advocate,
for the applicants/appellants.

None for the respondent.

SUDEEPTI SHARMA J. (ORAL)

CM-6762-C-2024

1. The present application has been filed for permitting the appellants to place on record additional evidence as Annexure A-1.

2. The civil suit was filed in the year 2015 and decided in the year 2018, the appeal was filed in the year 2019 and decided in the year 2024. The appellants failed to produce the dissenting note as well as the reply filed by the respondent before the learned Civil Judge (Senior Division), Moga, as well as before the learned Additional District Judge, Moga, despite so many opportunities granted to the appellants and now in the year 2025, the appellants by way of this application want to place on record the dissenting

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note as additional evidence only on the ground that the respondent deliberately did not produce the same before both the Courts, despite the fact that the appellants were granted so many opportunities by both the Courts to produce the dissenting note, whereas the appellants failed to produce the same before both the Courts and now in the year 2025, after the decision, the same cannot be allowed to be produced, since no reasoning has been given by the appellants as to why the same could not be produced before both the Courts despite so many opportunities. Otherwise also, the present appeal is continuation of the civil suit and the additional documents at this latter stage after so many years and after the decision of the case by the learned Civil Judge (Senior Division), Moga, as well as the learned Additional District Judge, Moga, without any reasoning cannot be allowed.

3. In view of the above, this application is accordingly dismissed.

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1. The present Regular Second Appeal is preferred against the judgment and decree dated 29.09.2018 passed by the learned Civil Judge (Senior Division), Moga, whereby, the suit for declaration filed by the respondent was decreed in his favour and the appeal filed by the appellants against the judgment and decree dated 29.09.2018 was dismissed by the learned Additional District Judge, Moga, vide its judgment and decree dated 07.02.2024.



2. Brief facts of the case are that the respondent was appointed as Shop Assistant Grade-I on 11.02.1977, which was changed to the post of Public Distribution Clerk. He was promoted as Inspector Grade-II and he retired as such on 31.05.2009 after attaining the age of superannuation. Respondent was posted as Inspector Grade-II at Moga in the year 1994 and he joined at P.R.Centre, Moga, on 18.10.1994. Thereafter, he was relieved from P.R.Centre, Moga on 06.09.1995. He was served with the charge-sheet dated 19.08.1998 in respect of paddy crop for the year 1994-95 stored at P.R.Centre, Moga. He was not supplied with the complete list of documents and witnesses along with the charge-sheet. Still he filed reply to the charge-sheet but the same was not considered. Thereafter, Inquiry Officer was appointed to conduct departmental inquiry, which was made in slipshod manner and Inquiry Officer exonerated the respondent of the charges levelled against him in the charge-sheet. Appellant No.2-Managing Director, Punjab State Civil Supplies Corporation Ltd., passed order dated 28.10.2002, whereby, punishment of stoppage of one increment with cumulative effect was imposed against the respondent. He filed appeal against the said order dated 28.10.2002, which was rejected by the Appellate Committee vide its order dated 31.10.2013. He filed civil suit challenging the order dated 28.10.2002, whereby punishment of withholding one increment with cumulative effect was given and order dated 31.10.2013,



whereby, appeal filed by him challenging the order dated 28.10.2002 was rejected. The civil suit filed by the respondents was decreed in his favour vide judgment and decree dated 29.09.2018. The appeal filed by the appellants against the judgment and decree dated 29.09.2018 passed by the learned Civil Judge (Senior Division), Moga, was dismissed by the learned Additional District Judge, Moga, vide its judgment and decree dated 07.02.2024. Hence, the present regular second appeal.

3. Learned counsel for the appellants contends that the only reasoning given by both the Courts is that the respondent was not found guilty, vide inquiry report dated 03.04.2000, but still punishment was imposed upon the respondent on the basis of dissenting note by the punishing authority and the dissenting note could not be produced by the appellants. He, therefore, prays that the present appeal be allowed.

4. I have heard learned counsel for the appellants and perused the case file with his able assistance.

5. A perusal of the inquiry file (Exhibit P-1) shows that vide inquiry report dated 03.04.2000, the respondent was not found guilty but still punishment was imposed upon him on the basis of dissenting note by the Punishing Authority i.e. the then Managing Director. A copy of the dissenting note on the basis of which punishment was imposed upon the respondent, was not produced by the appellants despite many opportunities



granted to them. As per the record and the evidence, documentary as well as oral, the respondent was not found guilty of the charges levelled against him and also as per the inquiry report dated 03.04.2000. The appellants relied upon the dissenting note and the reply filed by the respondent to the dissenting note, which was not part of the record and was never produced by the appellants despite grant of so many opportunities. Therefore, the learned Civil Judge (Senior Division), Moga, has rightly decreed the civil suit filed by the respondent, vide its judgment and decree dated 29.09.2018.

6. Further, Parminderjit Singh, District Manager, PUNSUP, Moga, who was examined as DW-1, in his cross-examination stated that respondent had filed reply to the dissenting note but neither the dissenting note nor the reply were part of the inquiry file produced on record before both the Courts by the appellants. Rather, it is admitted fact by DW1-Parminderjit Singh in his cross-examination that he did not have copy of the dissenting note as well as reply filed by the respondent in the office record. Therefore, the learned Additional District Judge, Moga, has rightly dismissed the appeal filed by the appellants vide its judgment and decree dated 07.02.2024.

7. In view of the above, I do not find any infirmity or illegality in the judgment and decree dated 29.09.2018 passed by the learned Civil Judge (Senior Division), Moga, as well as in the judgment and decree dated



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07.02.2024 passed by the learned Additional District Judge, Moga, and the same are hereby upheld.

8. Consequently, the present appeal is hereby **dismissed**. Parties are left to bear their own costs.

9. Decree sheet be drawn.

10. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

04.08.2025
Virender

Whether speaking/non-speaking : Yes
Whether reportable : Yes/No