



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

**CWP-9781-2021
Date of decision: 05.02.2026**

ADARSH KUMAR

....Petitioner

Versus

**PUNJAB STATE CIVIL SUPPLIES CORPORATION AND ANR
....Respondents**

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vipin Mahajan, Senior Advocate with
Mr. Randeep Singh, Advocate
for the petitioner.

Ms. Ayushi Sharma, Advocate and
Mr. Rohit Singh, Advocate
for the respondents-PSCSC.

HARPREET SINGH BRAR, J (Oral):

1. The present writ petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of Certiorari or any other suitable writ, order or direction to quash the order dated 22.12.2020 (Annexure P-24) passed by the respondent-Corporation, whereby the petitioner's claim for release of service/retiral benefits was illegally and erroneously rejected on the ground that civil suits for recovery were pending whereas all the civil suits have already been decided in favour of the petitioner and against the respondent.

A further prayer has been made for issuance of a writ in the nature of Certiorari to quash the order dated 15.07.2015/13.01.2016 (Annexure P-9) to the extent that the benefit of salary for the period of compulsory retirement till reinstatement i.e., from 18.05.1998 to 10.03.2003, was granted to a similarly situated employee, namely Sant Singh, but was illegally and arbitrarily denied to the petitioner merely on



the ground that the said order shall not be treated as a precedent, despite the petitioner being identically situated in all respects.

A further prayer has been made for issuance of a writ in the nature of Mandamus directing the respondent-Corporation to release all financial/retiral benefits of the petitioner, including gratuity and leave encashment along with interest @ 9% per annum; salary for the period from 18.05.1998 to 10.03.2003 (i.e., from the date of compulsory retirement to the date of reinstatement); the difference of salary for the suspension period from 22.11.1995 to 18.05.1998; benefits under the ACP scheme; arrears of salary for the period from 10.03.2003 to 30.11.2008; and revised pay scale w.e.f. 01.01.2006, along with all consequential benefits including revised gratuity and leave encashment after re-fixation of pay, together with applicable interest as per the prevailing bank rate.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as an Inspector in the respondent-Corporation in the year 1975. On 24.01.1996, the petitioner was charge-sheeted on the alleged ground of embezzlement of paddy for the crop year 1994-95 in his capacity as a supervisory officer. An identical charge sheet was issued to one Sant Singh, Inspector In-charge and custodian of the same stock. After the inquiry, the petitioner and Sant Singh were compulsorily retired from service on 18.05.1998 vide Annexure P-3. Against the separate order of the same date, the petitioner preferred an appeal. The Appellate Committee, vide order dated 04.02.1999, remanded the matter back to the Disciplinary Authority with the observation that the punishment awarded to the petitioner and Sant Singh was very harsh and that the miller was

contractually bound to mill the paddy. Thereafter, on 11.03.2003, the



Disciplinary Authority vide order dated 11.03.2023 (Annexure P-4) reinstated the petitioner into service and imposed the punishment of stoppage of three increments with cumulative effect. It was further ordered that the period when the petitioner remained out of service shall not be adjudicated.

3. Aggrieved by the said order, the petitioner again filed an appeal before the Appellate Authority, which was partly accepted in his favour vide order dated 19.02.2010 (Annexure P-5) and the punishment was reduced from stoppage of five increments with cumulative effect to two increments with cumulative effect. On similar lines, the appeal of Sant Singh was partly accepted. The petitioner filed CWP-16893-2010 and Sant Singh filed CWP-16851-2010 against the order passed by the Appellate Authority. This Court disposed of both the writ petitions with liberty to the petitioner as well as Sant Singh to approach the Board of Directors for grant of lesser punishment.

4. In purported compliance, an order dated 19.01.2012 (Annexure P-7) was passed on the ground that an arbitration award had come in favour of the Corporation and the loss caused to the Corporation had been made good. Accordingly, the petitioner was exonerated and the period of compulsory retirement was ordered to be treated as a duty period but without any financial benefits. However, the petitioner was censured for lack of supervision. Thereafter, Sant Singh filed CWP-11009-2012 challenging the aforesaid order dated 19.01.2012 (Annexure P-7), which was disposed of on 24.04.2015 (Annexure P-8) with a direction to consider the case of Sant Singh at par with other 44 persons similarly situated against whom charges were dropped entirely. The directions issued by this



Court were not complied with. As such, Sant Singh filed COCP-2859-2015. During the pendency of the contempt petition, the respondents-Corporation passed an order dated 13.01.2016 whereby the dismissal period was ordered to be treated as a duty period with full financial benefits. The respondents-Corporation, on 21.07.2016, granted full salary to Sant Singh for the suspension period from 22.11.1995 to 17.05.1998.

5. The petitioner immediately made a representation on 09.01.2017 (Annexure P-11) to consider his case at par with Sant Singh and to grant him the same benefits as he was identically placed, particularly as the criminal proceedings were jointly initiated against the petitioner and Sant Singh simultaneously. The petitioner thereafter sent repeated reminders seeking the same benefits as had been given to Sant Singh. Moreover, another charge sheet was served upon the petitioner and Sant Singh on 17.01.2000 with respect to the crop year 1995-96. The Department, on 20.02.2008, withdrew the aforesaid charge sheet. Despite the withdrawal of the charge sheet, the respondents-Corporation filed a civil suit which was decreed vide judgment and decree dated 07.08.2015. The petitioner and Sant Singh filed a joint appeal which was allowed vide order dated 16.12.2019 (Annexure P-18). The petitioner has not been paid his retiral dues following his retirement on 30.11.2008 despite over 10 years having passed from the date of his retirement. The respondents-Corporation, on their own, granted full salary and financial benefits during the dismissal period to similarly situated employees, namely Hanish Kumar, Inspector, and Paras Kumar, vide order dated 07.12.2016, relying upon the case of Sant Singh as enumerated in Annexures P-20 and P-21.

The petitioner served a legal notice on 27.12.2019 (Annexure P-22)



seeking the release of retiral dues and thereafter approached this Court seeking the grant of the same relief as had been allowed to Sant Singh and also seeking his retiral benefits. This Court disposed of CWP-8872-2020 vide order dated 22.09.2020 (Annexure P-23).

6. In purported compliance, vide the impugned order dated 22.12.2020 (Annexure P-24), the respondents-Corporation rejected the claim of the petitioner for release of salary from the date of compulsory retirement to the date of reinstatement and the difference of salary during the suspension period from 22.11.1995 to 17.05.1998. The case of the petitioner, who is entitled to ACP scales and leave encashment, was also deferred on account of the pendency of a regular second appeal filed against the dismissal order by the first appellate Court. Learned counsel for the petitioner refers to the written statement filed by the respondents-Corporation and submits that in paragraph 8, a specific stand has been taken that an appeal bearing RSA-5907-2014 is currently pending before this Court. Learned counsel for the petitioner further submits that the aforesaid RSA was dismissed by this Court on 11.03.2024. Learned counsel for the petitioner placed on record a certified copy of the same, which is taken on record.

7. Per contra, learned counsel for the respondents-Corporation submits that the delay in approaching this Court is sufficient to suffocate the claim set up by the petitioner in the present writ petition. He cannot be granted the same benefits as were extended to Sant Singh, as Sant Singh diligently approached this Court well within time whereas the petitioner remained indolent. However, learned counsel for the respondent could not



and other financial benefits has been extended to similarly circumstanced employees Hanish Kumar and Paras Kumar on the basis of the benefits extended to Sant Singh on 07.12.2016 (Annexures P-20 and P-21). There is no denial to the fact that the joint disciplinary proceedings were initiated against the petitioner and Sant Singh which concluded on the same day. Even the civil suit seeking recovery was filed against the petitioner and Sant Singh, and the RSA-5907-2014 and RSA-5263-2014 was filed by the Corporation against both. Further, the RSA filed by the Corporation against the petitioner and Sant Singh was heard together and dismissed on the same day vide judgment dated 11.03.2024, whereas Sant Singh was extended benefits in the year 2016 while the petitioner has been continuously representing to the respondents-Corporation seeking the same relief which was extended to Sant Singh.

8. I have heard learned counsel for the parties and perused the record with their able assistance. It transpires that on the eve of the retirement of the petitioner, the following proceedings were pending against him, the details of which read as under:-

Sr. No.	Amount of Recovery	Details of Charge Sheet	Remarks
1.	25.05.803	Charge Sheet No.ESTT-FGS(22)/16. 04.1968 dated 17.01.2000 which was decided by the head office vide order issued with No. ESTT-FGS(22) 2008/40944-48 dated 22.02.2008 and the charge sheet was consigned to record.	A. Against The Retired Employee Recovery Amount of Rs.25.05.803 along with 6 % interest upto 27.11.2017 Come to Rs.49.11.373/- (Principal Amount Rs.25.05.803+24.05.570 interest) B. So far as recovery of Rs.25.05.803 is concerned. The corporation filed civil



			suit for recovery against the employee. In this regard district manager PUNSUP vide letter number legal/2018/2038 dated 06.02.2018 has stated written that execution case for recovery of Rs.38.05.557.48/- and interest is pending for arguments before Civil Judge Senior Division Fatehgarh Sahib and next date is 04.01.2021. C. So far as share of recovery of the employee concern it is sated that as per instructions of the corporation Field Officer is responsible for 20% of recovery of the total amount of Rs.25.05.083/- His share comes to Rs.5.10..116/-+ interest.
2.	3,49,074/-	No charge sheet was issued but for recovery of this amount civil suit was ordered to be filed.	PUNSUP filed civil suit against Wariyam Singh PDC Rupinder Singh Field Officer, Sant Singh Inspector Grade-1 and Adarsh Kumar Field Officer for recover of Rs.6,19,608/- (3,49,074/- Principal Amount+2,70,534 interest) in the Court of Civil Judge Senior Division. This case was decided in favour of PUNSUP on 27.07.2011. Against the said order the employee filed appeal which was accepted and decision went against the corporation. Against that order coporation has filed RS No.3610,

			3611, 3612, 3613/2012 against the employees and the Hon’ble high Court remandd the case back to the lower Court for fresh decision. Thereafter, Hon’ble Additional District Judge, Fategarh Sahib vide order dated 09.12.2013 decided the case against the corporation. Thereafter, Sh. Anil Sharma Advocate of the Corporation filed RSA No.5907 of 2014 before the Hon’ble High Court which is pending.
3.	1,12,700/-	Recovery suit was dismissed. The Corporation filed RSA No.4833 of 2012 before the Hon’ble High Court and the matter was remanded back to trial Court. Trial Court vide order dated 13.09.2013 again dismissed the recovery suit of the corporation. Against the said order corporation filed appeal before Additional District Judge Fategarh Sahib which was also dismissed on 18.02.2014. The Corporation decided not to file any further appeal.	

9. The only reason given in the written statement for denial of the financial benefits to the petitioner and not extending the benefits granted to Sant Singh, is the pendency of RSA-5907-2014, which was



pending before this Court. However, the aforesaid regular second appeal filed by the respondent-Corporation has been dismissed on 11.03.2024. As such, there is no embargo in extending the same benefits to the petitioner as were paid to Sant Singh.

10. Once the benefit has been extended to Sant Saingh, Hanish Kumar and Paras Kumar, who are similarly situated counterparts of the petitioner, denying the same to the petitioner would be against the principle establish by the Division Bench of this Court *Satbir Singh Vs. State of Haryana 2002 (2) SCT 354* and discriminatory under Articles 14 and 16 of the Constitution of India.

11. In view of the above, the present petition is allowed. The impugned order dated 22.12.2020 (Annexure P-4) and order dated 15.07.2015/13.01.2016 (Annexure P-9) are hereby quashed.

12. As such, the claim of the petitioner for release of salary benefits for the period from the date of his compulsory retirement till the date of reinstatement, salary benefits for the period of suspension, and further benefits of ACP and revised pay to be released to the petitioner at par with Sant Singh along with interest @ 6% per annum from due date, till its actual realization.

13. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

05.02.2026
monika

1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No