

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-862-2026 (O&M)

PUNJAB STATE WAREHOUSING CORPORATION AND ORS.

..Appellants

Versus

SUKHJEET SINGH WALIA

..Respondent

Reserved on: 10.03.2026
Pronounced on : 23.03.2026
Uploaded on : 25.03.2026

Whether only the operative part of the judgment is pronounced? NO
Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

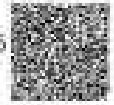
Present: Mr. Deepak Gupta, Advocate
for the appellants.

Mr. Jasmeet Singh Ghumman, Advocate
for the respondent/caveator.

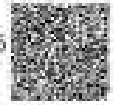
SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 02.07.2022, passed by learned Civil Judge (Jr. Division), Jalandhar, whereby, civil suit filed by the respondent was decreed in his favour and judgment and decree dated 09.02.2026, passed by Additional District Judge, Jalandhar, whereby, appeal filed by the appellant against judgment and decree dated 02.07.2022 was dismissed.

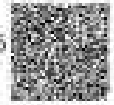
2. Brief facts of the case as per the pleadings in the civil suit are that respondent was appointed as Accounts Clerk in the year 1973 and later on he was promoted as Godown Assistant and joined his duty at Badni Kalan on 18.05.2000. While he was posted at Badni Kalan he was served with an



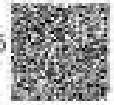
explanation memo dated 04.05.2004 seeking his explanation regarding deterioration of wheat crop in the year 1999-2000, 2000-01 and 2001-02. Without considering the reply, chargesheet was issued and enquiry was initiated against him in which he was held guilty by inquiry officer and accordingly, punishment of dismissal and recovery of loss was imposed upon him vide punishment order dated 03.10.2005. Against the punishment order, he preferred departmental appeal but the same was dismissed by appellate authority vide order dated 30.11.2006. He filed civil suit challenging orders passed by punishing authority and departmental appellate authority, which was decreed by learned Civil Judge (Jr. Division), Jalandhar vide judgment and decree dated 16.02.2015, wherein a direction was issued to the appellant to conclude de novo enquiry. But without following the order passed by the Court vide judgment and decree dated 16.02.2015 enquiry was initiated without issuance of chargesheet and without giving an opportunity to the respondent to file reply to the same. Vide letter dated 27.04.2015 inquiry officer was appointed thereafter, notice was sent to the respondent on 29.04.2015 to appear before enquiry officer. Said notice was received by respondent on 06.05.2015. A letter was sent by respondent to inquiry officer by registered post on 08.05.2015, wherein, it was requested to inquiry officer to supply chargesheet. Respondent further wrote that he is old person and suffering from heart problems beside other old age problems and has no source of income, therefore, requested the inquiry officer to hold enquiry at Jalandhar and in case enquiry is held at Chandigarh, he be given subsistence allowance, travelling and attendant allowance for travelling to Chandigarh to participate in the enquiry. Another letter dated 29.05.2015



was written which was duly received by the appellant, whereby, respondent requested the appellant to pay travelling and attendant charges to attend enquiry proceedings at Chandigarh. Despite the same that two letters were written by the respondent, neither any reply to said letter was sent nor he was paid any travelling allowance or attendant charges to attend the enquiry proceedings at Chandigarh. Respondent demanded 16 documents from appellants by letter dated 12.06.2015 whereas out of 16 documents, unattested copies of documents mentioned at Sr. No.1, 4, 5, 7, 13, 15 (without enclosures) and 16 were only provided to the respondent and other documents demanded by him were not supplied to him without any reason. On 18.06.2015 without supplying the requisite documents, respondent was compelled to cross-examine the prosecution witnesses, which caused great prejudice to the respondent. Even some of the documents were exhibited by inquiry officer on 22.06.2015, two letters were written by respondent to appellant stating therein that documents demanded by him were essential for preparation of his defense and were necessary at the time of cross-examination of prosecution witnesses but the copies of same were denied. Further that during enquiry when respondent insisted the inquiry officer to show the documents, he used derogatory language against the respondent. Request was further made to recall prosecution witnesses, so that respondent may cross-examine the witnesses and confront them with the documents, which were not supplied by appellants. On 26.06.2015, respondent was compelled to give defense evidence in absence of requisite documents demanded by him from appellants. However, respondent submitted 21 documents apart from demanded documents and on the statement of



respondent, inspite of opportunity given to the presiding officer, no cross-examination was conducted. No arguments were heard by inquiry officer on the said date and it was told that they will inform the date of enquiry by writing letter. To the utter surprise of respondent and in complete violation of decree passed by Civil Judge (Jr. Division), Jalandhar, a show cause notice dated 06.08.2015 was sent by Managing Director, Punjab State Warehousing Corporation, whereby, it was stated that inquiry officer has proved all allegations levelled against the respondent vide inquiry report dated 30.06.2015 and penalty of recovery was proposed. Reply to said show cause notice was given, wherein, it was stated that as per circular issued by Punjab Government, appointment of inquiry officer was without jurisdiction, as the same is contrary to Punjab Government circular. Further that mere production of alleged report does not prove misconduct. It was further stated that inquiry officer failed to take into consideration the documents submitted in defense and misread the documents and evidence. Further, it was stated that inquiry officer failed to draw adverse inference against the department for non-supply of documents demanded from them and for non-receipt of documents at the time of inquiry proceedings and duty roaster of Godown Assistant while giving his inquiry report. Vide impugned order dated 23.02.2016 and 08.03.2016 passed by Managing Director, Punjab State Warehousing Corporation, punishment of dismissal from service with retrospective effect i.e. 27.09.2005 along with recovery of Rs.68,64,413.86/- was imposed upon respondent. He filed civil suit against the same. Civil suit filed by him was decreed in his favour by learned Civil Judge (Jr. Division), Jalandhar vide judgment and decree dated 02.07.2022. Appeal filed by the



appellant against the same was dismissed by Additional District Judge, Jalandhar vide judgment and decree dated 09.02.2026. Hence, the present appeal.

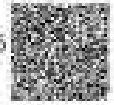
SUBMISSIONS OF COUNSELS FOR THE PARTIES:-

3. Learned counsel for the appellants contend that both the Courts did not appreciate the oral as well as documentary evidence on record while decreeing the civil suit filed by the respondent as well as dismissing the appeal filed by the appellant. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for respondent contends that both the Courts have rightly decreed the civil suit filed by the respondent and dismissed the appeal filed by the appellant. He, therefore, prays that the present appeal be dismissed.

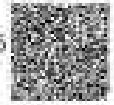
5. I have heard learned counsel for the parties and have perused the whole record of the case with their able assistance.

6. Admittedly, respondent was appointed as Accounts Clerk in the year 1973 and thereafter promoted as Godown Assistant and joined his duties at Badni Kalan on 18.05.2000. While posted at Badni Kalan, he was served with an explanation memo dated 04.05.2004 seeking his explanation regarding deterioration of wheat crop in the year 1999-2000, 2000-2001, 2001-2002. The chargesheet was supplied and enquiry was initiated against him in which he was held guilty by Enquiry Officer. Accordingly, punishment of dismissal and recovery of loss was imposed upon him vide punishment order dated 03.10.2005. Against the punishment order, he preferred departmental appeal, which was dismissed by departmental



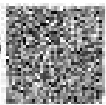
Appellate Authority vide order dated 30.11.2006. He filed civil suit challenging the order passed by punishing authority and by departmental Appellate Authority, which was decreed by learned Civil Judge (Junior Division), Jalandhar vide judgment and decree dated 16.02.2015, whereby, punishment order dated 03.10.2005 and order dated 30.11.2006 passed by Appellate Authority were set aside and appellants were directed to hold de novo enquiry against the respondent and conclude the same within a period of five months in judicious manner keeping in view principles of natural justice and it was further held therein that in case of failure of department to conclude the said enquiry within five months, respondent shall be entitled to reinstatement of service by filing separate suit in this regard. In view of the above, appellants were required to conduct de novo enquiry within a period of five months in judicious manner keeping in view the principles of natural justice.

7. A perusal of the record shows that to initiate de novo enquiry against respondent, no fresh chargesheet was served upon respondent. The onus was upon the appellants to prove that they have conducted de novo enquiry in compliance of judgment and decree dated 16.02.2015. To prove the same, Sh. Gaurav, Technical Assistant, Punjab State Warehousing Corporation, Jalandhar was examined as DW-1. No fresh chargesheet was placed on record by him for initiating of de novo enquiry proceedings against the respondent. In his cross-examination also, DW-1 admitted that no fresh chargesheet was issued for initiation of de novo proceedings after the passing of judgment and decree dated 16.02.2015. This shows that in compliance of judgment and decree dated 16.02.2015, no de novo enquiry



was initiated against respondent. Further, the appellants were to prove that enquiry was concluded within five months in a judicious manner, whereas, it is admitted by the appellants' witness and record also shows that enquiry against respondent was not concluded within a period of five months. The judgment was passed on 16.02.2015 and the departmental enquiry was concluded on 23.02.2016 i.e. after five months. No extension of time was sought from the Court for completion of enquiry beyond the period of five months. Further, direction was issued vide judgment and decree dated 16.02.2015 that principles of natural justice were to be followed.

8. A perusal of record shows that respondent had sent a letter to Enquiry Officer by registered post on 08.05.2015 and requested to supply chargesheet. He also wrote that he is an old aged person and is suffering from heart problems besides other old aged problems and has no source of income and requested to hold the enquiry at Jalandhar. Further that in case the enquiry is held at Chandigarh then he may be given subsistence allowance, traveling and attendant allowance for travelling to Chandigarh for participation in the enquiry proceedings. To prove the same, copy of letter dated 08.05.2015 written by respondent to Mr. O.P. Garg, Enquiry Officer is part of record as Ex.P-3, postal receipts as Ex.P-4, letters dated 22.06.2015 written by Mr. O.P. Garg, Enquiry Officer as Ex.P-9, postal receipt as Ex.P-10. Copy of letter dated 08.05.2015 Ex.P-23 issued to enquiry officer namely Mr. O.P. Garg for supplying copy of chargesheet and for providing subsistence allowance and travelling allowance. No evidence is led by the appellants to prove that copy of chargesheet was supplied to the respondent. It is admitted by the appellants' witness that as per the record



brought by him including enquiry file, the original letter Ex.P-3, Ex.P-6, Ex.P-7, Ex.P-9 and Ex.P-11 are part of the record. This shows that respondent had fully proved that he had issued these letters to the appellant.

9. In view of the above, both the Courts have rightly held that de novo enquiry was not initiated and principles of natural justice were not followed by the appellants and decreed the civil suit in favour of respondent vide judgment and decree dated 02.07.2022 and dismissed the appeal filed by the appellants vide judgment and decree dated 09.02.2026.

10. Accordingly, the present appeal is dismissed.

11. Parties are left to bear their own cost.

12. Decree sheet be prepared accordingly.

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

23.03.2026

Ayub

(SUDEEPTI SHARMA)
JUDGE

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