

2026:PHHC:065071



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

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RSA-3220-2023

Date of decision :28.04.2026

PUNJAB AGRO FOOD GRAINS CORPORATION LTD.

...APPELLANT

VERSUS

HAMIR SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Anupam Singla, Advocate
for the appellant.

PARMOD GOYAL, J. (ORAL)

1. Present regular second appeal has been filed by the unsuccessful appellant-plaintiff, who is aggrieved by the impugned judgment and decree dated 22.07.2022 passed by the learned Civil Judge (Senior Division), Barnala, as well as the judgment and decree dated 31.03.2023 passed by the learned Additional District Judge, Barnala, whereby the suit for recovery of Rs.10,28,917/- filed by the appellant-plaintiff and the First Appeal, were dismissed.

2. In brief, the case of the appellant-plaintiff was that the respondent-defendant was employed with the appellant-plaintiff, worked as TA-I at Tapa, Barnala Dhanaula Handiaya Kubbe and Harigarh as storage-in-charge and failed to discharge his duties with due diligence, integrity, and devotion. The respondent-defendant during his incumbency failed to ensure proper safety and

security of the stocks. That while working as storage in-charge at PAFC, Barnala during the crop years 2015–2016 to 2017–2018, respondent-defendant had failed to deliver grains to the Food Corporation of India (FCI) within the stipulated time, resulting in shortages in the quantity delivered and thereby causing a loss of Rs.1,18,560/-. That during the tenure of service of the respondent-defendant, 13,964 jute bags (A-Class) valued at Rs. 6,74,596/- and 189 unserviceable sheets valued at Rs.2,35,760/- were found short in stock. These items were under the control and supervision of the respondent-defendant, and therefore, he was liable to make good the said shortage. Owing to the negligent acts of the respondent-defendant, the appellant-plaintiff suffered losses amounting to Rs. 10,28,917/-, and hence, the appellant-plaintiff sought recovery of the said amount along with interest at the rate of 12% per annum from the date of filing of the suit till realization.

3. In order to establish negligence on the part of the respondent-defendant, no independent evidence was led by appellant-plaintiff and appellant-plaintiff had relied solely upon an internal inquiry report and punishment order, wherein the respondent-defendant was held negligent and proceeded against departmentally for causing loss to the appellant-plaintiff.

4. Learned counsel for the appellant-plaintiff has argued that the inquiry report, in which the respondent-defendant duly participated, is binding upon him. It is further contended that, pursuant to the said inquiry report, a punishment order was duly passed and the same was also placed before the Courts below for consideration, however, the Courts below failed to take the same into account. It is asserted that both the inquiry and punishment orders

have attained finality and, therefore, the Courts below ought to have accepted the claim of the appellant-plaintiff regarding the loss suffered by it.

5. Courts below however have observed that departmental proceedings in the present case cannot be treated as conclusive or even plausible proof for decreeing the suit filed by the appellant-plaintiff for recovery of Rs.10,28,917/-. That it was the duty of the appellant-plaintiff to independently prove its case, particularly the alleged negligence on the part of the respondent-defendant and loss therefrom. The inquiry report and the order of punishment are, at best may be of corroborative value. The primary burden lay upon the appellant-plaintiff to establish acts of negligence by leading independent evidence before the Court of first instance, which has not been done in the present case.

6. There is not even an iota of evidence on record to establish negligence on the part of the respondent-defendant, except for the inquiry report and the punishment order. The said documents operate only within the domain of departmental proceedings and are not binding on Civil Courts. Civil Courts are required to arrive at their own independent findings on the basis of evidence adduced before them.

7. Accordingly, no error is found in the approach adopted by the learned Courts below. The Courts below have rightly rejected the claim of the appellant-plaintiff in the absence of any independent evidence regarding negligence on the part of the respondent-defendant. Consequently, the present Regular Second Appeal is found to be without merit and is, therefore,

dismissed.

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

28.04.2026
Manoj/Sunil

(PARMOD GOYAL)
JUDGE

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