



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

RSA-2242-2024 (O&M)

District Manager Haryana State Federation of Consumer Coop. Wholesale
Store Ltd. & Anr.

.....Appellants

Vs.

Ishwar Singh Jain

.....Respondent

**Reserved on : 14.01.2026
Pronounced on: 31.01.2026
Uploaded on: 04.02.2026**

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. Padam Kant Dwivedi, Advocate
for the appellants.

Mr. Navee Daryal, Advocate
for the respondent.

SUDEEPTI SHARMA J. (Oral)

1. The present appeal is preferred against judgment and decree dated 23.01.2024 passed by Additional District Judge, Karnal, whereby, appeal filed by respondent against judgment and decree dated 24.08.2018 is allowed.

2. Brief facts of the case as per pleadings are that respondent joined the services with the appellants as salesman on 19.05.1975 and promoted as store keeper w.e.f. 01.04.1978. And thereafter, retired on 31.08.2006 on attaining the age of superannuation. The department withheld his retiral benefits. He filed civil suit which was decreed in his favour.

Thereafter, he served legal notice upon appellants for fixation of high



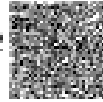
standard scale i.e. ACP including two increments and pay arrears as per judgment of District Judge, Karnal, whereby, his civil suit for release of retiral benefits was allowed and appellants were directed to release leave encashment along with interest @12% per annum.

3. Subsequently, appellants issued order dated 05.12.2014 for recovery of Rs.3,48,023/- from respondent on the basis of enquiry report dated 26.03.2006 after a gap of almost eight years. Letter dated 14.07.2015 was also issued to the respondent to make payment of Rs.3,48,023/- with interest and surcharge. Both, order dated 05.12.2014 and letter dated 14.07.2015 were challenged by the respondent by filing a civil suit which was dismissed vide judgment and decree dated 24.08.2018 passed by learned Civil Judge, Junior Division, Karnal. He filed appeal against judgment and decree dated 24.08.2018 which was accepted vide judgment and decree dated 23.01.2024 by Additional District Judge, Karnal. Hence, the present regular second appeal.

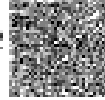
4. Learned counsel for the appellants contends that learned First Appellate Court has wrongly set aside a well-reasoned judgment and decree dated 24.08.2018 passed by learned Civil Judge, Jr. Division, Karnal. He, therefore, prays that the present appeal be allowed and judgment and decree dated 23.01.2024 passed by Additional District Judge, Karnal be set aside.

5. I have heard learned counsel for the appellant and perused the whole record of this case with his able assistance.

6. A perusal of the record shows that the challenge in the civil suit was to order dated 05.12.2014 and letter dated 14.07.2015, whereby, recovery of amount of Rs.3,48,023/- was ordered and respondent was



directed to make payment of Rs.3,48,023/- with interest and surcharge within a period of 07 days failing which recovery would be affected through arbitrator, respectively. The background as per record shows that recovery order of Rs.3,48,023/- was passed on the basis of enquiry held by the appellant/department on 22.03.2006. A perusal of enquiry report shows that respondent was charged for misappropriation and embezzlement of Confed funds and negligence in performance of duties. Inquiry officer in enquiry report held the respondent guilty for net shortage of 48.47 qtls for deliveries to FCI during the period 19.02.2004 to 06.08.2004. Further that respondent received wheat bags weighing 95660-88 qtls and he delivered wheat bags weighing 9583-49 qtls meaning thereby, he delivered excess weight of 171.61 qtls and there was no short delivery. Rather it was held in enquiry report that *“in nutshell, it is clear that there was no shortage in book weight, rather there is less gain in the stocks due to above mentioned reasons”*. Therefore, it was a case of less gain in stocks for which respondent proved his bona-fide by placing on record the request letter written by the respondent for early delivery of wheat from his representation to DM Confed, District Office Karnal right from 16.08.2000 to 14.01.2003 regarding the problems faced by him in respect of storage at unworthy place, early liquidation of wheat stock etc. Also, the enquiry report held that storage of wheat was done on unscientific, low lying, open plinth and the stocks were rain affected. And if timely action was taken to safeguard the stocks and the stocks were liquidated earlier for which respondent was writing letters to senior officials, the stock could be saved from damage which resulted into storage at the time of delivery. Enquiry report further



held that for less gain in stocks respondent alone is not responsible and two other officials were equally responsible, whereas, while passing order dated 05.12.2014, MD, held that officer has proved the charges against respondent and held him responsible which is totally against the enquiry report. Therefore, this Court find no infirmity in judgment and decree dated 23.01.2024 passed by Additional District Judge, Karnal and the same is hereby upheld.

7. Accordingly, the present regular second appeal is ***dismissed***.

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

31.01.2026

Saahil

(SUDEEPTI SHARMA)

JUDGE

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