

RSA-1208-2011 (O&M)

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

RSA-1208-2011 (O&M)

STATE OF PUNJAB & ORS.

.....Appellants

Vs.

SURINDER KAUR & ORS.

.....Respondents

Reserved on: 27.04.2026

Pronounced on: 28.04.2026

Uploaded on: 30.04.2026

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. Animesh Sharma, Addl.A.G. Punjab
for the appellants.

Mr. H.K.Brinda, Advocate
for the respondents.

SUDEEPTI SHARMA J.

1. The present appeal is preferred against judgment and decree dated 28.02.2009 passed by learned Civil Judge (Jr. Division), Ropar, as well as judgment and decree dated 12.08.2010 passed by learned Additional District Judge, Rupnagar, whereby, civil suit as well as the appeal filed by the appellants were dismissed respectively.

2. Brief facts of the case as per the civil suit are that Sh. Dalbara Singh was appointed as Sub-Inspector and he joined on 11.05.1973. He was posted as Sub-Inspector at Provincial Reserve Center, Chamkaur Sahib on 08.04.1983 along with Harpal Singh (Inspector Grade 1), Piara Singh (Inspector Grade 1), B.K.Bakshi (Inspector Grade 1), Pritpal Singh (AFSO) who were duty bound for procurement, storage, preservation and

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maintenance of wheat stock. Sh. Dalbara Singh remained posted at Chamkaur Sahib till 27.03.1985. As per the pleadings, since Dalbara Singh did not perform his duty efficiently and because of his willful default and negligence, appellants suffered loss to the extent of Rs.3,59,065.68/- as proved in departmental inquiry. Dalbara Singh and other officials posted at Chamkaur Sahib failed to take care of godowns where wheat was procured and stored and later on 4634-85-100 quintals wheat was found damaged. And the Government had to auction the rejected wheat at an average rate of Rs.96.60 per quintal and received Rs.3,84,467.11/- as consideration. Had the wheat not been damaged, the Government would have earned Rs.10,22,773.59/-. Therefore, State suffered total loss of Rs.9,97,372.16/-. Department of Food and Supplies, Punjab initiated departmental inquiry against all the concerned officials for the above loss under Rule 8 of Punjab Civil Services (Punishment and Appeal) Rules, 1970. The Inquiry Officer vide his inquiry report dated 03.07.1992 held Dalbara Singh and others guilty for loss suffered by the State and punishing authority vide order dated 25.09.1993 ordered a recovery of 60% of total loss proportionately from Dalbara Singh and others. Accordingly, recovery of Rs.1,49,606.75/- was ordered from Dalbara Singh in installments @Rs.1,000/- per month from his salary. The other concerned delinquent officials got affected their share as per orders, but Dalbara Singh only got affected two installments of Rs.1,000/- each and he managed to avoid the balance recovery of Rs.1,47,606.75/-. Dalbara Singh and others had challenged the order of recovery by filing representation to the Secretary Food and Supplies, Govt. of Punjab. The same was dismissed vide order dated 04.07.1995 and order of



punishing authority was upheld. Dalbara Singh died on 23.07.1995 and due to his death the remaining balance of Rs.1,47,606.75/- could not be recovered. Dalbara Singh left behind his legal heirs against whom the suit for recovery was filed by the appellants. It is pleaded in civil suit that legal heirs of Dalbara Singh got death-cum-retiral benefits in connivance with the officials of the department and when it came to the notice of appellants, departmental inquiry was conducted against officials of department and they were awarded punishment by competent authority vide order dated 04.02.2003. Notice was served upon the respondents for recovery of amount of Rs.1,47,606.75/- which was to be recovered from deceased Dalbara Singh during his service. Since no reply was received, therefore, appellants filed civil suit for recovery. Civil suit filed by the appellants was dismissed vide judgment and decree dated 28.02.2009 passed by learned Civil Judge (Jr. Division), Ropar. Appellants filed appeal against the same which was also dismissed by learned Additional District Judge, Rupnagar vide judgment and decree dated 12.08.2010. Hence, the present regular second appeal.

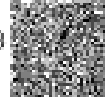
3. Learned counsel for the appellants contends that both the courts failed to appreciate the evidence (oral as well as documentary) on record before dismissing the civil suit as well as appeal filed by the appellants. He further contends that inquiry report cannot be ignored only on the ground that Inquiry Officer was not examined. Further that Dalbara Singh paid some installments during his lifetime and the officials who erred in granting pensionary benefits to the LRs of Dalbara Singh/respondents herein without deducting the amount of recovery were punished. He, therefore, prays that the present regular second appeal be allowed.



4. Per contra, learned counsel for the respondents contends that both the courts have rightly dismissed the civil suit as well as appeal filed by the appellants. He, therefore, prays that the present regular second appeal be dismissed.

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

6. A perusal of the record shows that to prove the case of appellants Surjeet Singh, Food and Supplies Officer, Ropar was examined as PW-1 and he brought the documents pertaining to service of deceased Dalbara Singh including inquiry report (Ex.P-4) and punishment orders (Ex.P-6), (Ex.P-7) and (Ex.P-8). However, he was not Inquiry Officer and in his cross-examination, he admitted that he had no personal knowledge regarding the record which he had brought. And further that the inquiry was not conducted in his presence nor it was signed by Inquiry Officer in his presence. As per record, Dalbara Singh died on 23.07.1995 and admittedly death-cum-retiral benefits were released in favor of the respondents. The outstanding recovery was not recovered/deducted from the amount of retiral benefits. There is nothing on record as to how and why the amount of retiral benefits was released to the respondents without deducting the amount of recovery. Further, cross examination of PW-1 shows that competent authority had released the payment to legal heirs of Dalbara Singh after his death and there was no misrepresentation on their part for release of retiral benefits. It is also admitted by PW-1 that respondents did not commit any illegality or irregularity. There was no fraud or misrepresentation by the respondents while receiving the retiral benefits. Exhibit P-7 shows that there



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is no entry in the service record of Dalbara Singh regarding recovery of an amount of Rs.1,47,606.75/-. Therefore, recovery of amount of Rs.1,47,606.75/- could not be proved by appellants.

7. In view of the above, I do not find any infirmity in judgment and decree dated 28.02.2009 passed by learned Civil Judge (Jr. Division), Ropar, as well as judgment and decree dated 12.08.2010 passed by learned Additional District Judge, Rupnagar and the same are upheld.

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

9. Decree sheet be prepared accordingly.

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

28.04.2026

(SUDEEPTI SHARMA)

JUDGE

Saahil/Ayub

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