



RSA-985-2023 (O&M)

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

RSA-985-2023 (O&M)

Reserved on : 19.01.2026

Pronounced on : 19.02.2026

Uploaded on : 20.02.2026

The Managing Director, Punjab State Civil Supplies Corporation Limited

(PUNSUP) and another

.....Appellants

Vs.

Milkh Raj and another

.....Respondents

*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. Ashish Verma, Advocate,
for the appellants.

SUDEEPTI SHARMA J.

1. The present Regular Second Appeal is preferred against the judgment and decree dated 31.10.2019 passed by the learned Civil Judge (Junior Division), Abohar, whereby the civil suit filed by the appellant for recovery was dismissed as well as against the judgment and decree dated 08.08.2022 passed by the learned District Judge, Fazilka, whereby appeal preferred by the appellant against the judgment and decree dated 31.10.2019 was also dismissed.

BRIEF FACTS

2. Brief facts of the case, as pleaded in the civil suit, are that Milkh Raj-respondent No.1 was promoted as Inspector Grade II and consequently,

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joined on the said post at Abohar PUNSUP Centre on 29.07.2010. Vide order dated 03.03.2012 of District Manager, PUNSUP, Ferozepur, he was deputed to purchase and store wheat of crop year 2012-2013 at Abohar PUNSUP centre, Unit No.1 as Incharge. Respondent No.2-Banwari Lal was posted as PDC at the said Centre and he was deputed to double lock wheat of crop year 2012-2013 with respondent No.1 as Joint Locker. Both the respondents sent joint charge certificate on 24.08.2012. It was the duty of the respondents to purchase wheat, store it in godowns/plinths and to deliver the same to the Food Corporation of India. Respondents were provided with polythene covers, polythene sheets, wooden crates and other stock articles to maintain the health of wheat stock. They stored 5,38,508 bags of wheat of crop year 2012-2013 weighing 2,69,254 quintals from 01.04.2012 to 30.06.2012. The spillage of 407 bags was booked from September, 2012 to February, 2014. As per pleadings, the wheat is hygroscopic in nature and absorbs moisture from air and gains weight after rains when there is more moisture in air. Appellant-PUNSUP has fixed norms according to which every custodian of wheat stock is required to give minimum excess of 700 grams per quintal in open plinth and 1 kilogram per quintal in covered godown. Excess of wheat stock is claimed from 1st August of the year of purchase. The respondents delivered 5,39,014 bags weighing 2,70,703 quintals of wheat from September, 2012 to February, 2014 and wheat became NIL. As per norms, the respondents were required to give excess of 1884.17.80 quintals and as such, there was less excess to the tune of 434.54.96 quintals valued at Rs.8,31,402/- @ 1913.25 per quintal, which the



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appellant-Corporation is entitled to recover from the respondents. It is further averred in the civil suit that wheat was delivered to the Food Corporation of India in February, 2014 and wheat became NIL, Accounts Branch of office of District Manager, PUNSUP, Ferozepur examined the record of PUNSUP Abohar Centre and District Office and calculated the loss caused by the respondents at Abohar PUNSUP Centre and submitted report dated 23.01.2017. And the loss is caused due to embezzlement/negligence on the part of the respondents. The appellants filed Civil Suit to recover the amount from the respondents, which was dismissed by the learned Civil Judge (Junior Division), Abohar, vide its judgment and decree dated 31.10.2019. Appellants preferred appeal against the same, which was also dismissed by the learned District Judge, Fazilka, vide its judgment and decree dated 08.08.2022. Hence the present regular second appeal.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE APPELLANTS.

3. Learned counsel for the appellants contends that both the Courts have wrongly and illegally dismissed the Civil Suit filed by the appellants and the appeal filed by them. He further contends that both the Courts failed to appreciate that the respondents were the custodian of wheat and because of their negligence, loss was caused to the appellants. He, therefore, prays that the present appeal be allowed and the judgment and decree dated 31.10.2019 passed by the learned Civil Judge (Junior Division), Abohar, as well as the judgment and decree dated 08.08.2022 passed by the learned District Judge, Fazilka, be set aside.



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

5. A perusal of examination of PW1-Vinay Kumar, Junior Assistant, Office of District Manager, PUNSUP, Ferozepur, shows that he admitted that no document was filed on record regarding the polythene sheets, polythene covers, wooden crates and stock articles provided to the respondents to maintain wheat stock. He further admitted that no objection was raised by the Food Corporation of India at the time of purchase from the appellant-PUNSUP. No evidence was placed on record to prove that the respondents embezzled wheat amounting to 434.5496 quintals. No inquiry or departmental proceedings were conducted by the department regarding negligence of respondents or embezzlement by them. No question was put to respondents during their cross-examination regarding negligence or embezzlement. Only on the basis of Audit Report (Ex.P5), respondents were declared negligent in performance of their duties and were held guilty of embezzlement of wheat. The entire burden to prove that the respondents were either negligent/responsible for less excess in wheat crop or they had embezzled the same, was upon the appellants.

6. Further, Hardeep Singh, Senior Assistant Accounts was examined as PW-2, who in his cross-examination stated that he is not conversant with the proceeding with regard to the official work in any office of the PUNSUP in the whole State of Punjab prior to 24.09.2015. He further stated that the moisture written in the chart are less than 12% and upto 12.6%, but denied the fact that if the moisture is less than 12%, then the



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employees cannot be charged. He has categorically admitted that the Food Corporation of India did not raise any kind of objections at the time of purchase from PUNSUP. Respondent No.1 was not questioned during his cross-examination that whether he has committed any negligence or embezzled of the wheat crop while performing his duties. It is only on the basis of Audit Report (Ex.P-5), the appellants tried to prove that respondents were negligent in performing their duties and guilty of embezzlement of wheat. The person, who prepared the Audit Report, was not examined by the appellants. Therefore, it has been rightly held by both the Courts that Audit Report, which was foundation of the recovery suit, was never proved.

7. In view of the above discussion, I do not find any infirmity or illegality in the judgment and decree dated 31.10.2019 passed by the learned Civil Judge (Junior Division), Abohar, as well as in the judgment and decree dated 08.08.2022 passed by the learned District Judge, Fazilka, and the same are affirmed.

8. Consequently, the present appeal is hereby **dismissed**. Parties are left to bear their own costs. Decree sheet be drawn.

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

(SUDEEPTI SHARMA)
JUDGE

19.02.2026

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No