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

RSA-1254-2022 (O&M)

Date of decision: 07.08.2025

THE PUNJAB STATE CIVIL SUPPLY CORPORATION AND ANR**..Appellants****Versus****JOGINDER SINGH AND ORS****..Respondents****CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Naresh Gopal Sharma, Advocate
for the appellants.

SUDEEPTI SHARMA, J. (Oral)

1. The present appeal is preferred against judgment and decree dated 21.07.2015 passed by learned Additional Civil Judge (Senior Division), Zira, whereby the suit for recovery filed by the appellants was dismissed and judgment and decree dated 16.01.2020 passed by learned Additional District Judge, Ferozpur, whereby appeal filed by the appellant against judgment and decree dated 21.07.2015 was dismissed.

BRIEF FACTS OF THE CASE:-

2. Brief facts of the case as per the civil suit are that respondent No.1 Joginder Singh and respondent No.2 Shakti Kumar were posted at Zira as Inspector Grade II and they were directed to store wheat crop for the year 1997-1998 vide order dated 18.04.1997 of District Manager, Punjab State



Civil Supplies Corporation Limited (in short 'PUNSUP'), Ferozpur and respondent No.1 Joginder Singh was Incharge for storage of wheat at Zira, PUNSUP Centre and respondent No.2 Shakti Kumar was Additional Incharge. Both the respondents sent charge certificate dated 04.08.1997 according to which they were in joint charge of 2,06,885 bags weighing 1,96,862.15 Qtls of wheat for the year 1997-98, in which 1,27,809 bags weighing 1,21,270.35 Qtls of wheat was of Central Pool and 79,076 bags weighing 75,091.80 Qtls wheat was for public distribution system. The duty of both the respondents i.e. respondent No.1 and 2 was to make procurement, storage and delivery of foodgrains and to maintain health of wheat stock for which they were provided insecticides, fumigants, polythene covers, polythene turplene and other stock articles and they were required to maintain its record as well. Respondent No.4 Chaman Lal joined as Field Officer, PUNSUP Sub-Division, Zira vide his joining report dated 13.05.1997 and was relieved vide order dated 25.09.2007, therefore, from 13.05.1997 till 29.09.2001, Chaman Lal supervised PUNSUP Sub-Division, Zira and being Field Officer, he was to supervise the working of centres of PUNSUP in Sub-Division. The appellant vide its letter dated 04.10.1988 had ordered that Field Officer respondent No.4-Chaman Lal is responsible for 20% losses caused to the appellant-Corporation because of his lack of supervision.

3. Respondent No.1 and 2 jointly stored and delivered Wheat to FCI till September, 1998. Respondent No.1 was dismissed vide order dated 18.09.1998 passed by managing Director, PUNSUP, Chandigarh. On dismissal of respondent No.1, District Manager, PUNSUP, Ferozpur, vide its order dated 23.09.1998 directed respondent No.2-Shakti Kumar to take



complete charge of Zira, PUNSUP Centre from respondent No.1-Joginder Singh and also respondent No.3-Balkar Singh was directed to double lock the stocks of Zira PUNSUP Centre with respondent No.2-Shakti Kumar. Respondent No.1 handed over the charge of wheat stock vide charge report dated 03.10.1998, therefore, as per the pleadings in civil suit from 03.10.1998 respondent No.2 and 3 were in joint charge of remaining wheat of crop year 1997-98 and delivered wheat under supervision of respondent No.4 till March, 2000 when the wheat became nil. Thereafter, the account branch of office of District Manager, PUNSUP, Ferozepur examined the record regarding wheat of crop year 1997-98 and calculated the loss caused by respondents at Zira, PUNSUP Centre and submitted a report dated 29.05.2000 regarding shortage. Thereafter, the civil suit was filed for recovery of Rs.30,28,697.52/-, which was dismissed vide judgment and decree dated 21.07.2015 passed by learned Additional Civil Judge (Senior Division), Zira. The appellant filed appeal against judgment and decree dated 21.07.2015, which was dismissed by learned Additional District Judge, Ferozepur, vide its judgment and decree dated 16.01.2020.

SUBMISSIONS OF APPELLANTS:-

4. Learned counsel for the appellant contends that both the Courts failed to appreciate the very fact that because of the negligence of the respondents, huge loss is caused to the appellant-Corporation. He therefore, prays that the present appeal be allowed.

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

**ANALYSIS OF RECORD AND DISCUSSION:-**

6. A perusal of the record shows that appellant-Corporation pleaded that due to negligence of respondents, huge loss was caused to the appellant due to shortage, less excess in wheat stock for the year 1997-98. The posting of respondents during the said period is admitted but shortage, which is alleged to have occurred in the stock of wheat for the year 1997-98 was due to late disposal of the wheat. During the said period respondent No.1 wrote letter dated 23.07.1998 and letter dated 31.08.1998 regarding early disposal of wheat stock for the year 1997-98 to District Manager, PUNSUP, Ferozpur, since wheat was rain affected but despite this the officials did not dispatch the rain affected wheat till October, 1999.

7. PW-2 admitted this fact regarding letter for early disposal of wheat stock for the year 1997-98. Respondent No.2-Shakti Kumar also wrote letter dated 02.02.1999 to District Manager, PUNSUP, Ferozpur that condition of the stock of wheat for the year 1997-98 is good and private party is ready to purchase the stock at the rate of Rs.645/- per quintals and he also requested the District Manager, PUNSUP, Ferozpur, for early disposal of Wheat stock. This fact is also admitted by PW-2 Kishan Dhingra. Further, when delivery of foodgrain was given to FCI, at that time the technical staff and depot staff of the FCI took the delivery in their presence and after giving gate pass, the stock was loaded to FCI. Both PW-2 Kishan Dhingra and PW-4 Radha Kishan Sethi admitted this fact that FCI took the godowns delivery in presence of their officials and they gave priority of the stock, which they had chosen. Regarding this Managing Director, PUNSUP gave a relief with regard to withholding the amount vide order Ex.D-8 and vide order Ex.D-3. The charge of wheat crop was given to respondent No.2 and



respondent No.3 on 03.10.1998 and wheat was disposed of upto March 2000 and shortage was due to storage of wheat on *kachha* plinth and as per the account manual, the storage of wheat on *kachha* plinth must be upto 5 to 6 months and not more than that and admittedly due to long storage, the wheat was damaged. The respondents themselves sent monthly reports from November, 1998 to October, 1999 regarding the condition of stock to District Manager but he never took any action upon the monthly reports. The monthly report are part of record as Ex.D-2 to Ex.D-9. The respondents also wrote letter to District Manager and Managing Director to arrange specials for early disposal of wheat but no action was taken by senior officers. Even respondent No.2 sent letter for permission to sell the stock to some consenting agencies, who agreed to purchase the wheat at the rate of Rs.645/- per quintal whereas in the civil suit they were asking for recovery of loss caused at the rate of Rs.625/- per quintal from the respondents. The request letter dated 02.09.1999 was proved as Ex.D-5 and consent certificate from the Miller Atma Rice Mills dated 11.02.1999 is part of record as Ex.D-6 vide which the firm agreed to purchase the wheat at the rate of Rs.645/- per quintal in the year 1999 but the appellant despite requests from respondents never allowed them to sell the wheat under their charge. Due to long storage, wheat was damaged and as per the record, the loss is not caused for fault on the part of the respondents. Further, weight of bags were checked by senior officers and found that there were less average of weight upto 2 ½ kg per bag. From the cross-examination of all the PWs, it is clear that respondents were not at fault and they were not responsible for loss, which was caused due to the senior officers of PUNSUP, who failed to arrange the specials for lifting of wheat and the wheat was lifted in the year



2000 after a period of two years of the prescribed limit, within which the same was to be lifted. PW-5 appearing on behalf of Corporation admitted letters sent by respondents to senior officers. Further respondent No.1 was chargesheeted in the present case but his chargesheet was filed since he was not found guilty. The chargesheet is part of record as Ex.DX.

8. A perusal of the record further shows that the appellant had already received compensation from FCI to the tune of Rs.221 Crores, which is proved by letter dated 03.12.2013 (Ex.D-13). The contents of letter shows that the loss suffered by the appellant is reimbursed to the appellant. Letter dated 01.06.2012 (Ex.D-15) proves the claim of reimbursement of losses suffered by agencies.

9. Further perusal of the record shows that the appellant on the one hand has received reimbursement of losses from FCI and on the other hand filed civil suit for recovery regarding same loss of wheat crop against the respondents.

CONCLUSION:-

10. A perusal of record shows that the loss caused to the appellant is not due to negligence on the part of respondents. There is nothing on record to prove that the loss is caused due to the respondents. Further the appellants have already claimed reimbursement of same loss from FCI, which is part of the record.

DECISION:-

11. In view of the above, I do not find any infirmity or illegality in the judgment and decree dated 21.07.2015 passed by learned Additional Civil Judge (Senior Division), Zira and judgment and decree dated



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16.01.2020 passed by learned Additional District Judge, Ferozpur, and the same are hereby upheld.

12. Consequently, the present appeal is hereby ***dismissed***. Parties are left to bear their own costs.

13. Decree sheet be drawn.

August 07th, 2025

Ayub

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*

(SUDEEPTI SHARMA)
JUDGE