

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6998/2007

(From the judgement and order dated 05/07/2005 in CWP No. 19714/2001 of
The HIGH COURT OF A.P AT HYDERABAD)

KULWANT SINGH

Petitioner(s)

VERSUS

PUNJAB AGRO INDUS.CORPORATION LTD. & ANR
(With appln(s) for c/delay in filing SLP

Respondent(s)

Date: 27/04/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Petitioner(s) Mr. Aparna Bhat, Adv.
Mr. P. Ramesh Kumar, Adv.
Mr. David, Adv.

For Respondent(s) Mr. Rohit Sharma, Adv.
Mr. Gaurav Kejriwal, Adv.

UPON hearing counsel the Court made the following
ORDER

While functioning as storeman under the respondent Corporation, the petitioner was issued two charge-sheets and in a regular Departmental enquiry, it was found that the petitioner had embezzled an amount of Rs. 69,846/- and that he had also remained absent from duty from 24.1.1996 to 9.7.1996. He was also found to have locked the sale centre and the lock had to be broken and in respect of which certain losses have been incurred by the Corporation.

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It appears that the petitioner's services were terminated and a suit was also filed by the respondent Corporation for recovery of the amount said to have been embezzled by the petitioner. During the pendency of the suit, the respondent Corporation on the basis of appeal before the Chairman, agreed to reinstate the petitioner on certain terms and conditions. According to the petitioner the same were not acceptable. Subsequently, the suit filed by the respondent Corporation ended in dismissal, and, thereafter, the petitioner moved the High

Court against the order of dismissal from service and the High Court by the impugned order dismissed the same.

Ms. Aparna Bhat, learned counsel appearing for the petitioner, fairly submits that the petitioner ought to have moved the Tribunal instead of moving the High Court but under the wrong advice he had chosen to file a writ petition which was ultimately dismissed.

Having heard learned counsel for the parties, we dismiss the Special Leave Petition, but make it clear that the petitioner will be entitled to move before the appropriate forum for redressal of his grievances, if any.

(Ganga Thakur)
PS to Registrar

(Juginder Kaur)
Court Master