

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 6408 OF 2000

PUNSUP & ORS

Appellant (s)

VERSUS

ROOP LAL & ANR

Respondent(s)

(With prayer for interim relief )

Date: 11/01/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s)

Ms. J.S. Wad, Adv.

Mr.Ashish Wad, Adv.

Mr.Neeraj Kumar, Adv.

Mr. Chirag Dave, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

The appeal is allowed in terms of the signed order. No costs.

(Meenu Sethi)

(Pushap Lata Bhardwaj)

Court Master

Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6408 OF 2000

Punjab State Civil Supplies Corpn. ...Appellants  
Ltd. & Ors.

Versus

Roop Lal & Anr.

...Respondent

ORDER

This appeal is directed against the judgment and order dated 9.7.1998 passed by the Division Bench of the Punjab and Haryana High Court whereby and whereunder a departmental inquiry initiated by the appellants was directed to be stayed till the decision in the Civil Suit. The respondent No.1 at all material times was working in the post of 'Inspector' at Kapurthala Centre under the appellant-Corporation.

A departmental proceeding was initiated against him, inter alia, on the charge that he despatched first the crops which were of later year instead of those crops which were having longer period of storage. He despatched the stocks in

small lots of the old crops as a result whereof the appellants sustained a financial loss. They filed a Suit for recovery of a sum of Rs. 3,50,693.75 against the respondent in the Court of Civil Judge(Sr. Division), Kapurthala. In the meanwhile a departmental proceeding had been initiated and an inquiry officer was appointed. Questioning the initiation of the said inquiry, the respondent filed a writ petition which by reason of the impugned judgment had been disposed of holding as under:

" ..It could not be disputed during the course of arguments that the departmental inquiry started against the petitioner is with regard to some amount that is stated to be payable by the petitioner and with regard to the same very amount, a civil suit has since already been filed by the respondents. In view of the aforesaid admitted position, it could not be further disputed by the learned counsel representing the respondents that the finding recorded by the civil court shall be binding upon the officer holding departmental inquiry. In the situation that has been detailed above, we are of the view that no departmental inquiry should go on till such time the civil suit is decided. That being so, the department cannot go ahead with the departmental inquiry against the petitioner till such time the civil suit inter-se between the parties is finally decided."

Mrs. Wad, learned counsel appearing on behalf of the appellant would submit that in view of the order of stay of the operation of the said judgment, the departmental proceedings are stayed. In the meantime the said Civil Suit

had been decreed on 19.4.2004.

The appeal preferred thereagainst by the respondent

had also been dismissed on 22.9.2000.

There cannot be any doubt whatsoever in that view of

the matter that the disciplinary proceeding initiated by the Corporation against the respondent should be allowed to continue.

It may be true that in the Civil Court the appellant

was required to prove that it had sustained a financial loss

as a result of the action on the part of the respondent No.1

but keeping in view the facts and circumstances of this case,

we are of the opinion that that by itself was not

sufficient to direct

stay of the departmental proceedings. The departmental

proceeding has remained stayed since 1998. It should revive.

Appellants may, thus, proceed with the departmental

proceeding. The appeal is allowed.

No costs.

.....J.

.....  
[ S.B. SINHA ]

.....J.  
[MARKANDEY KATJU]

New Delhi ,

JANUARY 11, 2007