

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

CWP-18548-2014 (O&M)
Date of decision : 24.03.2015

Rajinder Pal Sharma

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Jagdeep Bains, Advocate for the petitioner.

Mr. Vikas Singh, Advocate for the respondents.

JITENDRA CHAUHAN, J. (Oral)

CM-3238-CWP-2015

CM application is allowed and written statement on behalf of the respondents, is taken on record.

Main case

Prayer in the present petition filed under Articles 226 and 227 of the Constitution of India, is for issuance of a direction to respondent No.2 to decide the appeal (Annexure P-4), filed by the petitioner challenging common orders dated 22.08.2006, passed by respondent No.1, against the petitioner and one co-employee, Agyapal Singh.

The petitioner joined the Punjab State Warehousing

Corporation ('the Corporation', for brevity), as a Clerk in the year 1981. On attaining the age of superannuation, he stood retired on 30.04.2012, as Junior Assistant. It is contended that the petitioner was appointed as an office clerk. The learned counsel refers to Annexure P-1, the instructions issued by the respondent-Corporation, that the office staff is not to be given the charge of the stocks. It is further contended that an arbitration award was passed against the miller, M/s Chakwalia Rice and General Mills (Annexure P-2). During the pendency of the execution proceedings against the miller, chargesheet dated 04.03.2005, was served upon three employees of the Corporation, namely, Jaspal Singh, W. Manager; Agyapal Singh, Technical Assistant; and Rajinder Pal Sharma, Junior Assistant, the petitioner herein. The Manager, Jaspal Singh, was absolved of the charges and the petitioner along with Agyapal Singh, Technical Assistant, were held to be responsible for causing shortage/loss of Rs.13.20 lacs and responsibility was fixed. The petitioner, aggrieved against the order of recovery, filed an appeal dated 13.09.2006 (Annexure P-4). In the meantime, on 11.01.2013, vide Annexure P-6, the co-employee, Agyapal Singh was also exonerated by the Appellate Authority. Out of the total recovery to be effected from the petitioner, i.e. Rs.6,61,935.75/-, an amount Rs.1,87,200/- stands already deducted while the petitioner was in service.

The precise grievance of the petitioner is that despite clear

instructions (Annexure P-10), that the appeal, if any filed by the employee of the Corporation, is to be decided within three months, the appeal of the petitioner is not being decided. The learned counsel for the petitioner further informs the Court that approximately 900 appeals are pending adjudication before the Appellate Authority. The petitioner has not been assured as to when his appeal is likely to be heard.

Admittedly, the similarly situated person, Jaspal Singh, Manager and Agyapal Singh, Technical Assistant, stand absolved on the similar facts. At this stage, this Court feels that the appeal filed by the petitioner cannot be allowed to be kept pending for an indefinite period.

In the circumstances, the respondents/Appellate Authority is directed to decide the appeal of the petitioner (Annexure P-4) and on decision, if the petitioner is found entitled to the relief i.e. gratuity, leave encashment, arrears of revised scales and the amount of Rs.1,87,200/- lacs, already recovered from him by the Corporation, the same shall also be released to him. The needful be done within four months from today.

Disposed of.

24.03.2015
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(JITENDRA CHAUHAN)
JUDGE