

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.18248 of 2017(O&M)
Date of Decision: 18.08.2017

Sukhjinder Singh

--Petitioner

Versus

Punjab State Warehousing Corporation
and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Kapil Kakkar, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Petitioner, who is serving as a Junior Assistant under the Punjab State Warehousing Corporation, has filed the instant petition assailing the order dated 24.1.2017, passed by the Managing Director of the respondent Corporation at Annexure P-4 and in terms of which the petitioner on account of his alleged negligence i.e. late submission of bills/documents, has been held responsible for the loss of interest and recovery of Rs.21,46,414/-, has been directed. The mode of recovery recited in the impugned order is that the petitioner would be released only 40% of the salary.

During the course of arguments it is the categoric stand taken by counsel that the Punjab Civil Services (Punishment & Appeal) Rules, 1970 are applicable to the respondent Corporation and the impugned order dated 24.01.2017 (Annexure p-4) would be construed as a minor penalty that has been imposed. Counsel further submits that under the 1970 Rules there is a remedy of statutory appeal even against a minor penalty and which has been availed of vide appeal dated 29.3.2017 (Annexure P-5) as also an application/representation for stay of recovery carrying even date i.e.

29.3.2017 (Annexure p-5).

It is submitted that till date the statutory appeal filed by the petitioner has not been decided and is pending adjudication before the appellate authority.

Counsel for the petitioner has been heard.

The petitioner admittedly having availed of his remedy of appeal against the impugned order, there would be no occasion for this Court to interfere in the exercise of its writ jurisdiction to examine the validity of the impugned order dated 24.1.2017 (Annexure P-4). Counsel has strenuously urged that the necessity of filing a writ petition has arisen as the respondent authorities on the one hand are not deciding the statutory appeal preferred by the petitioner and on the other hand have started implementing the impugned order inasmuch as the petitioner is being released only 40% of the salary and thereby having already initiated recovery.

Under such peculiar circumstances the instant petition is disposed of with a direction to the appellate authority under the Punjab State Warehousing Corporation to take a final decision on the appeal dated 29.3.2017 at Annexure P-5 expeditiously and in any case within a period of six weeks from the date of receipt of a certified copy of this order.

It is, however, clarified that while issuing directions to expedite the final decision on the appeal preferred by the petitioner this Court has not examined the case on merits.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

18.08.2017

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No