

CWP No. 28372 of 2017

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

Sr. No.128

**Civil Writ Petition No. 28372 of 2017
DECIDED ON: December 13, 2017**

KARNAIL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Prateek Pandit, Advocate, for the petitioner.

JASPAL SINGH, J.

Through the instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondent No.2 to decide the appeal (P-4) preferred by him against the order dated 01.11.2016 (P-3) passed by respondent No.3, whereby a penalty by way of recovery of Rs.7,76,265/- has been imposed upon him, in a time bound manner.

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2. The contention of learned counsel for the petitioner is that petitioner stood retired as Field Officer from PUNSUP, Jalandhar on attaining the age of superannuation on 31.01.2012 but just prior to his retirement, he was served with show cause notice dated 04.01.2012 (P-1) with the allegations of negligence in duties resulting into shortage of wheat. Though, he submitted his reply dated 25.01.2012 (P-2) to the show cause notice but for a considerable period, no action was taken. Subsequently, vide order dated 01.11.2016 (P-3) passed by respondent No.3, against which petitioner preferred an appeal before the Chairman of Punjab State Civil Corporation (for short 'Corporation') – respondent No.2. The said appeal is pending for the last more than one year and has not been finally disposed of. Accordingly, petitioner requested for issuance of a direction to respondent No.2 to disposal of the said appeal.

3. This Court has considered the aforesaid submissions made by learned counsel for the petitioner, but does not find any legal and factual weight. No doubt, petitioner stood retired on 31.01.2012 but prior to his retirement, he was served with show cause notice and finding that there was negligence on his part, which resulted into shortage of wheat, a penalty to the tune of Rs.7,76,265/- was imposed vide order dated 01.11.2016 (P-3). No doubt, an appeal has been filed, which is still pending disposal before respondent No.2- Chairman of the Corporation. For the mere fact that an appeal is pending for the last one year, is itself no ground to issue any such direction. If at all, petitioner is aggrieved against the recovery of the amount, he can move an appropriate application before the concerned appellate authority for staying the operation of the order dated 01.11.2016 (P-3) under appeal and in case, order passed by the

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said authorities does not find favour to him, he may have recourse to the remedies available under law. Otherwise also, petitioner did not approach the appellate authority immediately prior to the filing of instant petition requesting the disposal of his appeal and in such a situation, this Court does not find it appropriate to issue a direction. However, petitioner is at liberty to move an appropriate application before the concerned authorities/appellate authority and if not satisfied and appeal is not disposed of within some reasonable period, he shall be at liberty to approach this Court.

4. With the aforesaid observations, instant petition is dismissed.

5. No order as to costs.

December 13, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**