

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

CWP No.17472 of 2018

D.K Sharma

....Petitioner

Versus

The Punjab State Warehousing Corp. & Anr.

....Respondents

Date of Order: 20.07.2018

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Mr. Sumit Jain, Advocate for the respondents.

JASWANT SINGH, J (ORAL)

Petitioner seeks a writ of Mandamus directing the respondent-Corporation not to effect recovery from the pension of the petitioner qua financial loss of Rs.2,78,863.33/- caused due to the shortage of 22132 'A' Class vacant gunny bags.

On the last date of hearing i.e 19.7.2018, this Court while issuing notice of motion passed the following order:

“Petitioner stands retired from the rank of Warehouse Manager from the employment of Punjab State Warehousing Corporation on attaining the age of superannuation of 58 years on 31.03.2011. The petitioner along with two other employees was issued a charge sheet dated 26.08.2013 on the allegations of Shortage of empty gunny bags for the year 2011. The inquiry report dated 25.7.2015 exonerated the petitioner, however, vide order dated 2.2.2018 a recovery for a sum of Rs.2,78,000/- has been imposed upon the Petitioner. The petitioner is stated to have filed a statutory appeal dated 5.3.2018 (P-3) before the Appellate Authority along with an application for stay of the impugned recovery.

However, the petitioners have proceeded to make proportionate recoveries from the admissible pension.

Prayer is that the Appellate Authority be directed to decide the appeal as also the pending application seeking stay before any recovery is effected. Notice of motion 20.07.2018.

On the asking of the Bench, Mr. Harshit Jain, Advocate for Mr. Sumit Jain, Advocate standing Counsel for the respondent-Punjab State Warehousing Corporation accepts notice and prays for a days time to seek instructions.

Learned Counsel for the petitioner undertakes to furnish two copies of petition to the Counsel for respondent-Punjab State Warehousing Corporation.”

Today, Sh. Sumit Jain, Advocate appearing for the respondent-Corporation prays for grant of six months' time for disposal of the pending statutory appeal (P.3) filed by the petitioner.

Learned counsel for the petitioner is not averse to such request but submits that the recovery from the pension may be stayed in the meanwhile.

In view of aforesaid agreed stand, the present writ petition is disposed of with a direction to the respondents to consider and decide the statutory appeal of the petitioner by passing a speaking order within a period of six months from the date of receipt of certified copy of this order. Recovery from the petitioner will not be effected in the meanwhile.

July 20, 2018
manoj

(JASWANT SINGH)
JUDGE

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