IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-29790-2018
Date of decision: - 27.11.2018

Tarsem Singh

....Petitioner

Versus

The Punjab State Warehousing Corporation and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Manoj Bakshi, Advocate, for the petitioner.

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HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioner Sh. Tarsem Singh was charge-sheeted by the respondents on 22.03.2004. A departmental inquiry was conducted into the said charge-sheet and a report was submitted by the inquiry officer on 10.02.2005 proving all the charges against the petitioner. Punishing authority agreed with the inquiry report and issued a show-cause notice to the petitioner for imposition of a major penalty for causing a financial loss to the tune of ₹30,36,608.76/-.

Thereafter, a personal hearing was also afforded to the petitioner, but the petitioner did not avail the same. Vide order dated 14.09.2005, the services of the petitioner were terminated and he was asked to deposit 50% of the amount mentioned above i.e ₹15,18,304.33/-. Against the said order, the petitioner filed an appeal on 22.10.2005 and before the appeal could be decided, the petitioner filed a CWP No.5765 of

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2006, which was disposed of by this Court on 17.01.2008 directing the appellate authority to decide the appeal.

Keeping in view the order passed by this Court on 17.01.2008, the appellate authority passed an order dated 22.07.2009, by which, the matter was remanded back to the punishing authority to pass a fresh order by giving a personal hearing to the petitioner. Thereafter, the Managing Director, after reconsidering the matter ordered re-enquiry into the case on 11.10.2010 and in the re-inquiry, the charges were not proved. The punishing authority disagreed with the finding of the inquiry officer and issued a show-cause notice to the petitioner on 10.01.2013, for the imposition of major penalty as well as recovery. A personal hearing was afforded to the petitioner and ultimately, the punishing authority passed an order dated 04.06.2013 again terminating the services of the petitioner with the recovery of 50% amount.

Against the said order of the punishing authority, the petitioner again filed an appeal and the appellate authority again decided the case on 14.01.2015 and remanded the case back to the punishing authority for reconsideration. On re-consideration of the case, the punishing authority passed an order dated 10.03.2015 again dismissing the petitioner from services and also impounded the recovery of 50% of the amount, amounting to ₹15,18,304.33.

Against the said order, the petitioner preferred an appeal on 15.04.2015 (Annexure P-17).

Counsel for the petitioner states that the said appeal has not been decided so far even after expiry of more than 3½ years.

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Counsel for the petitioner states that, at this stage, the petitioner will be satisfied in case a time bound direction is given to the respondents to decide the appeal dated 15.04.2015 (Annexure P-17).

Without going into the merits of the case and the contention raised by the petitioner in the appeal, the present writ petition is disposed of with the direction to the respondents to decide the appeal dated 15.04.2015 (Annexure P-17), if not already decided, within a period of three months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

November 27, 2018
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Whether reasoned/speaking? Yes
Whether reportable? No

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