

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

**CWP-8125-2019 (O&M)
Date of Decision:13.05.2019**

Kamal Kishore

... Petitioner

Versus

Punjab State Warehousing Corporation

... Respondent

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

Present: Mr. Rajinder Mathur, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

The petitioner who was serving on the post of Godown Attendant under the Punjab State Warehousing Corporation was imposed a penalty of recovery of Rs.5000/- per month from the salary vide order dated 07.04.2014 (Annexure P-1).

Instant writ petition has been filed raising a limited prayer for issuance of directions to the respondent/authorities to take a final decision on the appeal dated 18.12.2018 (Annexure P-2) that the petitioner had preferred against the order of recovery.

It is the contention raised by counsel that as per Regulation 21 of the Punjab State Warehousing Corporation Staff (Conditions of Service) Regulations, 2002, in the matter of discipline, Punishment and Appeal, the provisions of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 (in short 'the 1970 Rules') would apply.

Counsel further submits that penalties have been defined under Rule 5 of the 1970 Rules and recovery from the pay of an employee whether

in whole or part, is defined as a minor penalty. Further reference is made to Rule 15 of the 1970 Rules and under which an appeal would lie against all penalties specified under Rule 5. Counsel accordingly argues that by virtue of the appeal dated 18.12.2018 (Annexure P-2), the petitioner has taken resort to his statutory remedy of appeal against the order of recovery and as such the concerned Appellate Authority is duty bound to take a decision thereupon on merits and as early as possible.

In view of the limited prayer raised in the petition and without even ascertaining the correctness of the averments made in the petition, I deem it appropriate to dispose of the instant writ petition with a direction to the Appellate Authority under the Punjab State Warehousing Corporation to take a final decision on the appeal dated 18.12.2018 (Annexure P-2) expeditiously and in any case within a period of two months from the date of receipt of a certified copy of this order.

It is, however clarified that this Court has not gone into the validity of the order dated 07.04.2014 (Annexure P-1) directing the recovery of Rs.5000/- per month from the salary of the petitioner.

Disposed of.

13.05.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |