

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

CWP-17382 of 2015

Date of decision: 15.10.2019

Chander Prakash

.... Petitioner

versus

Dakshin Haryana Bijli Vitran Nigam Ltd and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shrey Goel, Advocate
for the petitioner.

Mr. Sunil Kumar Sharma, Advocate
for the respondents.

Mr. C.S. Bakhshi, Addl. A.G. Haryana.

HARSIMRAN SINGH SETHI, J. .

In the present writ petition, the grievance which is being raised by the petitioner is that vide order dated 04.07.2008 (Annexure P/9) by way of punishment, the respondents have ordered the recovery of Rs.2,13,611/-. The said recovery has been ordered on the ground that there was shortage of material, which was entrusted to the petitioner.

Learned counsel for the petitioner argues that against the impugned order dated 04.07.2008 (Annexure P/9), the petitioner had preferred an appeal (Annexure P/10). As per the averments made in the para-19(d) of the writ petition, the said appeal was sent through registered post on 30.07.2008 and the same was duly received by respondent No.2. Counsel for the petitioner further argues that the said appeal is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound

direction is issued to the respondents to decide the said appeal by passing an appropriate speaking order.

Learned counsel for the respondents states that contents of para 19(d) of the writ petition has been admitted as a matter of record in the reply and, hence, it cannot be denied that petitioner filed appeal and the same is still pending consideration as nothing has been mentioned in the reply about the decision of the appeal, which the petitioner preferred vide Annexure P/10. Counsel for the respondents states that the appeal Annexure P/10 will be decided within a period of three months from the date of receipt of certified copy of this order and the decision will be conveyed to the petitioner and in case, after the decision, it is found that the petitioner is entitled for any benefit, the same will be released to him within a further period of one month.

Counsel for the petitioner states that keeping in view the statement made by the counsel for the respondents, he does not wish to press the present writ petition any further. He, however, prays that in case any adverse order is passed by the respondents, declining the relief, the petitioner be given liberty to have remedy against the impugned order as well as against the order which is to be passed in the appeal in accordance with law.

In view of the above, the present writ petition is disposed of as having been not pressed with the liberty as prayed for by the counsel for the petitioner.

(HARSIMRAN SINGH SETHI)

JUDGE

15.10.2019.

aarti 1. Whether speaking/non-speaking?

Yes/No

2. Whether reportable?

Yes/No