

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-14652-2018 (O&M)
Date of Decision: 13.02.2019

Sachin Kumar

--Petitioner

Versus

Punjab State Warehousing Corporation
& another

--Respondents

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

Present:- Mr. J.P. Rana, Advocate for the petitioner.

Mr. A.P. Singh, Advocate for the respondents.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner is serving on the post of Go-down Assistant under the respondent-Corporation.

Admittedly, departmental proceedings were initiated against the petitioner and which have culminated in the imposition of a penalty of recovery of Rs.9,25,645.80.

The instant writ petition was filed assailing such recovery and on 31.5.2018 while issuing notice of motion the following order was passed:-

“Learned counsel states that the statutory appeal (Annexure P-4) filed by the petitioner has not been finalized. Prior to the finalization, the recovery to the extent of 60% per month from the salary has been ordered to be effected vide order dated 05.04.2018 (Annexure P-3).

Notice of motion for 15.10.2018.

The operation and effect of order dated 05.04.2018 (Annexure P-3) shall remain stayed till the next date of hearing.”

Counsel representing the respondent-Corporation does not dispute the fact that the petitioner had a statutory remedy of appeal against

the order of recovery dated 5.4.2018 (Annexure P-3) and the same has been availed of by filing of appeal dated 12.5.2018 (Annexure P-4). No final decision on the statutory appeal has been taken till date.

Statement of counsel representing the respondent-Corporation is recorded to the effect that the Appellate Authority would take a final decision on the appeal dated 12.5.2018 (Annexure P-4) within a period of four months from today after affording to the petitioner an opportunity of hearing.

Statement is duly accepted.

Under such circumstances, there would be no occasion for this Court to examine the validity of the order dated 5.4.2018 (Annexure P-3), at this stage.

Appellate Authority would take a final decision on the statutory appeal dated 12.5.2018 (Annexure P-4) on or before 30.6.2019 and after affording to the petitioner an opportunity of hearing.

Further recovery would be kept in abeyance and would be subject to the outcome of the final order that may be passed by the Appellate Authority.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

13.02.2019

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