

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-21214-2019 (O&M)
Date of Decision: 09.12.2019

Manjit Singh

--Petitioner

Versus

Board of Directors, Punjab Agro Industries
Corporation & others

--Respondents

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

Present:- Mr. Manjit Singh, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Instant writ petition is directed against the order dated 21.1.2019 (Annexue P-17) passed by the General Manager (F&V), Punjab Agro Industries Corporation Ltd. and in terms of which a punishment of recovery to the tune of Rs.83,42,021/- has been imposed upon the petitioner who was serving on the post of Storeman.

Having heard counsel at length, this Court is of the considered view that the validity of the impugned order dated 21.1.2019 (Annexure P-17) need not be gone into by this Court, at this stage.

Concededly, against the impugned order an appeal at Annexure P-18 dated 4.2.2019 stands preferred by the petitioner before the Appellate Authority i.e. Board of Directors of the respondent-Corporation. Such appeal is still pending consideration. Perusal of the appeal would show that a number of grounds/submissions have been raised. During the course of hearing counsel has also raised a submission in law that the punishing authority for the post of a Store Man under Corporation would be the Managing Director, whereas the order of penalty has been passed by an authority subordinate i.e. a General Manager.

It has been argued that the action of the respondent authorities is grossly unfair inasmuch as on the one hand no decision has been taken on the appeal preferred by the petitioner at Annexure P-18 while on the other hand the order of punishment is being implemented and the recovery has already commenced.

In view of the above and without opining on the validity of the impugned order dated 21.1.2019 (Annexure P-17), instant petition is disposed of with a direction to respondent no.1 i.e. the Board of Directors of the respondent-Corporation to examine the appeal dated 4.2.2019 (Annexure P-18) and to take a final decision thereupon on merits expeditiously and in any case within a period of two months from the date of receipt of a certified copy of this order. Prior to taking a decision an opportunity of personal hearing be also afforded to the petitioner.

In the meanwhile, further recovery in pursuance to the order dated 21.1.2019 (Annexure P-17) shall remain stayed and would be subject to the final outcome of the order to be passed by the Board of Directors as has been directed by this Court.

Writ petition is disposed of in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

09.12.2019
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No