

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-25410-2019 (O&M)
Date of Decision: 30.09.2019

Ranjit Singh

--Petitioner

Versus

The Punjab State Power Corporation Ltd. & others --Respondents

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

Present:- Mr. C.L. Sharma, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner, who is serving on the post of Junior Engineer under the respondent-Corporation was proceeded against departmentally and vide order dated 4.7.2019 (Annexure P-4) a penalty of stoppage of three increments without cumulative effect and recovery of Rs.6,54,976/- was imposed.

Against the impugned order petitioner is stated to have preferred a statutory appeal under Rule 18 of the Punjab State Electricity Board Employees (Punishment and Appeal) Regulations, 1971.

A Writ of Mandamus is sought for directing the appellate authority to take a final decision on the statutory appeal that the petitioner has preferred along with an application for staying recovery.

Counsel would argue that the action of the respondent authorities in not taking a final decision on the appeal as also in not considering the application for stay of recovery and on the other hand proceeding to operate the impugned order and to make recovery each month from the salary of the petitioner is arbitrary and patently unjust.

In the considered view of this Court, the submissions advanced by counsel cannot be stated to be without merit. The appeal dated

22.7.2019 at Annexure P-5/P-5 A had been preferred against the order of punishment dated 4.7.2019 without any delay. Such appeal was towards exhausting the statutory remedy available to the petitioner. Such remedy cannot be reduced to a mere formality.

In view of the above and without opining on the merits of the case, the writ petition is disposed of with a direction to the appellate authority/respondent no.2 to take final decision on the statutory appeal dated 22.7.2019 expeditiously and in any case within a period of three months from the date of receipt of a certified copy of this order.

Recovery in the meanwhile pursuant to the impugned order dated 4.7.2019 (Annexure P-4) shall remain stayed and would be subject to the outcome of the final order that is to be passed by the appellate authority and as has been directed.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

30.09.2019

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