

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

**CWP-33346-2019 (O&M)
Date of Decision:18.11.2019**

Ankur Garg

... 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.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

As per pleadings on record, petitioner who was serving on the post of Technical Assistant under the Punjab State Warehousing Corporation was imposed the penalty of Rs.1,21,720/- vide order dated 22.08.2019 (Annexure P-2) passed by the Managing Director.

The short grievance raised in the petition is that the statutory appeal dated 25.10.2019 (Annexure P-3) preferred by the petitioner against the order of recovery is not being dealt with and on the other hand, the punishment of recovery is being made effective.

Counsel argues that the appeal that had been preferred by the petitioner is towards resorting to a statutory remedy available with the petitioner under the statutory rules.

Having heard counsel for the petitioner and having perused the pleadings on record, this Court is of the considered view that the Appellate Authority is duty bound to take a final decision on the appeal dated 25.10.2019 and that too, within a stipulated time frame. Pendency of the appeal on the one hand and enforcing the order of penalty of recovery on the

other, would certainly prejudice the rights of the petitioner.

As such, without commenting on the merits of the impugned order of recovery passed by the Punishing Authority/Managing Director, the instant writ petition is disposed of with a direction to the Appellate Authority i.e. the 2nd respondent to take a final decision on the appeal dated 25.10.2019 (Annexure P-3) expeditiously and in any case within a period of three months from the date of receipt of a certified copy of this order.

Further recovery in pursuance to the order dated 22.08.2019 (Annexure P-2) shall be held in abeyance and would be subject to the final order that would be passed by the Appellate Authority.

Disposed of.

18.11.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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