

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

CWP No.36407 of 2019

Date of Decision : 16.12.2019

Surinder Kumar

....Petitioner

Versus

Punjab State Civil Supplies Corporation (PUNSUP)
and 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 Public Distribution Clerk at the relevant point of time under the Punjab State Civil Supplies Corporation Ltd.(PUNSUP), was imposed the penalty of recovery of Rs.4,44,484/- vide order dated 27.09.2019 (Annexure P-3) passed by the Managing Director.

The short grievance raised in the instant petition is that the statutory appeal dated 08.11.2019 (Annexure P-5) 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 submits that under Rule 16 of the Punjab State Civil Supplies Corporation Service Regulations, 1985, it has been provided that till such time PUNSUP frames its own Rules in matters relating to discipline/punishment, the Rules applicable to Punjab government employees would be holding the field. It is further

submitted that under the Punjab Civil Services (Punishment and Appeal) Rules, 1970 (hereinafter to be referred to as 'the 1970 Rules'), different kinds of penalties have been defined under Rule 5. The penalty of recovery from the salary of an employee falls under the category of a minor punishment. Under Rule 15 of the 1970 Rules, an appeal is maintainable against any of the penalties specified under Rule 5. Accordingly, it is urged that the appeal preferred by the petitioner dated 08.11.2019 is towards resorting to a statutory remedy available with the petitioner.

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 08.11.2019 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 Chairman, Punjab State Civil Supplies Corporation Limited (PUNSUP) to take a final decision on the appeal dated 08.11.2019 (Annexure P-5) 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 pursuance to the order dated 27.09.2019

(Annexure P-3) shall be held in abeyance and would be subject to the final order that would be passed by the Appellate Authority.

Disposed of.

16.12.2019

(TEJINDER SINGH DHINDSA)

dss

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No