

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-355-2020 (O&M)
Date of Decision: 09.1.2020

Hansa Singh

--Petitioner

Versus

Punjab State Civil Supplies Corporation Ltd. & others --Respondents

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

Present:- Mr. Raman Goklaney, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Instant petition has been filed raising a limited prayer for issuance of directions to the concerned authority to take a final decision on the appeal that the petitioner has preferred against his order of dismissal dated 9.5.2019.

Counsel submits that the petitioner was serving on the post of Public Distribution Clerk (PDC) under the respondent-Corporation and upon culmination of departmental proceedings a major penalty of dismissal was imposed vide order dated 9.5.2019 passed by the Managing Director, Punsup. An appeal was preferred against the order of dismissal dated 6.6.2019 (Annexure P-1). It is the contention raised by counsel that inspite of 7 months having elapsed no date of hearing has been fixed. It is against such brief factual backdrop that a prayer for issuance of directions to the appellate authority to take a final decision on the appeal, has been raised.

In the considered view of this Court the limited prayer raised in the petition warrants acceptance.

The appeal dated 6.6.2019 (Annexure P-1) was preferred against an order of dismissal and under the provisions of the Punjab State Civil Supplies Corporation Regulations, 1985 read with Punjab Civil

Service (Punishment & Appeal) Rules, 1970. In other words, it was towards resorting to a statutory remedy that the appeal had been preferred against the order of dismissal. Under such circumstances, the appellate authority would be obligated to take a decision thereupon in accordance with law and expeditiously. Pendency of the appeal over an inordinate period of time would virtually mean that the petitioner would have to bear the brunt of an order of dismissal in the interregnum.

In view of the above and without going into the merits or commenting upon the legality/validity of the order of dismissal dated 9.5.2019, instant petition is disposed of with a direction to respondent no.2 i.e. the appellate authority to take up the appeal dated 6.6.2019 (Annexure P-1) and to decide the same on merits within a period of two months from the date of receipt of a certified copy of this order.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

09.1.2020

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