

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

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CWP-10036-2020

Date of decision: 24.09.2020

Gurdeep Singh

.....Petitioner

versus

Punjab State Warehousing Corporation and anr.

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. J.P. Rana, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Gurdeep Singh has laid a challenge in this writ petition seeking a writ of mandamus directing the respondents to stop the recovery as has been ordered vide order dated 19.03.2019 (Annexure P-7), till the hearing of the statutory appeal, filed by him, besides praying to stay order dated 14.08.2019 (Annexure P-9) and order dated 30.10.2019 (Annexure P-11) passed by respondent No.1, whereby amount of gratuity/leave encashment of Rs.12,17,535/- of the petitioner has been ordered to be adjusted against the said recovery and a sum of Rs.4,073/- per month has been ordered to be deducted from his pension, respectively. He has further

sought for issuance of directions to respondent No.2-Appellate Authority, to decide the appeal of the petitioner against order dated 19.03.2019 (Annexure P-7).

The records of the case show that on 20.07.2020, notice of motion was issued and interim directions was also given to the following effect:-

“In the meantime, the Appellate Authority/Competent Authority is directed to decide the pending appeal by passing a speaking order, in accordance with law, as expeditiously as possible. Future proposed recovery pursuant to the impugned order shall not be effected qua the petitioner till the next date of hearing.”

Today on resumed hearing of the case, Mr. Kshitij Sharma, Advocate, appears on behalf of respondent No.1 submits that after the order dated 20.07.2020, the Appellate Authority had fixed the hearing of the case for 09.09.2020 (as is evident from Annexure R1/6). A perusal of the letter dated 03.09.2020 (Annexure R1/6) would show that the petitioner had made a request that considering his age that he is more than 66 years old, suffering from various ailments, he be given two months time due to COVID-19 situation.

Accordingly, it is informed that the Appellate Authority has granted him the time prayed for and has asked him to inform as to when he wishes to appear. It is further informed that as and when the petitioner would give his consent to appear, the appeal shall be decided 'as expeditiously in accordance with law'.

At this stage, it is also clarified that the Appellate Authority, so constituted had in fact completed all the matters pending before it, prior to the passing of the order dated 20.07.2020. However, in order to comply with the directions given by this Court, while the matter is pending for constituting the new Appellate Authority, the present case was referred to the previous Appellate Authority to take up and decide the matter.

Both the counsel are agreeable that the writ petition can be disposed of with the following directions:-

- i) The interim directions dated 20.07.2020 shall remain inforce till the decision by the Appellate Authority.
- ii) The petitioner would give his consent for appearing before the Appellate Authority, as and when the COVID-19 situation so permits and the Appellate Authority shall decide the appeal of the petitioner as expeditiously as possible, preferably within three months from the date he appears before the Appellate Authority.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

24.09.2020

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