

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10120-2020

Date of Decision: 17.07.2020

Manpreet Singh

.. Petitioner

Vs.

Punjab State Warehousing Corporation and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravinder Rana, Advocate for the petitioner.

...

Manoj Bajaj, J.

By way of this writ petition, petitioner Manpreet Singh has prayed for issuance of a writ in the nature of mandamus for issuance of directions to respondent No.1, for staying the recovery being effected every month from his salary pursuant to the order dated 03.02.2020 (Annexure P-2), as the statutory appeal preferred on 22.05.2020 (Annexure P-3) is pending adjudication before the Appellate Authority.

Learned counsel for the petitioner contends that on account of shortage of delivery of rice bags stored by FCI for the Crop year 2013-14, the recovery proceedings were initiated against Paramjit Singh and the petitioner. Through decision dated 03.02.2020 (Annexure P-2), the two officers were held responsible for the loss and accordingly, an amount of Rs.2,26,351.50/- was ordered to be recovered from each officer. According to him, aggrieved against the said decision (Annexure P-2), the petitioner preferred a statutory appeal before the Chairman, Punjab State Warehousing Corporation, Chandigarh (Appellate Authority) and the same is still pending. He contends that along with the appeal, a prayer for interim relief for staying the implementation of order dated 03.02.2020 (Annexure P-2) has also been made, but the appeal has not been taken for hearing so far, whereas on the other hand, the decision dated 03.02.2020 is being

implemented by making the deductions every month from the salary of the petitioner. Learned counsel contends that in case respondent No.1 succeeds in recovering the entire amount as ordered by him, his appeal would be rendered infructuous.

After hearing the learned counsel and going through the pleadings of the petition, this Court finds that since the Appellate Authority is already seized of the statutory appeal against the decision dated 03.02.2020 (Annexure P-2) and the correctness and validity of the said decision is yet to be ascertained, therefore, considering the nature of the relief claimed, this Court is not inclined to issue any notice to the respondents at this stage, as no prejudice would be caused to them by way of this order. However, it shall be open for them to approach this Court for recalling of order, in case the petitioner has concealed the material facts.

Resultantly, in the above background of the case, but without expressing any opinion on the merits, it is ordered that the Appellate Authority shall decide the appeal (Annexure P-3) expeditiously, preferably within a period of four months from the date of receipt of a certified copy of this order. Till the decision of the appeal, the recovery of the remaining amount pursuant to the order dated 03.02.2020 (Annexure P-2), be kept in abeyance.

The writ petition is disposed off.

17.07.2020

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No