

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CWP no.10225 of 2020

Date of decision:20.7.2020

Kamal Kishore

... Petitioner

versus

The Punjab State Warehousing Corporation and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Ms. Jagdeep Bains, Advocate,
for the petitioner
...

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks issuance of a writ in the nature of mandamus directing respondent no.1 to hear and decide the review petition dated 2.8.2019 (Annexure P-6), filed in respect of the order dated 10.6.2019/11.7.2019 (Annexure P-5), passed by respondent no.1.

Upon query to Ms. Bains, learned counsel for the petitioner, as to whether there is any statutory provision for a review, she first submits that similar reviews have been decided by the Managing Director.

Thereafter she refers to Regulation 21 of the Punjab State Warehousing

Corporation Staff (Conditions of Service) (Group A and Group B Service) Regulations, 2002, from which she reads out to submit that the employees of the Corporation are subject to the Punjab Civil Services (Punishment and Appeal) Rules, 1970, and with a review being maintainable under those rules, the review filed by the petitioner is maintainable.

However, even before notice of motion has been issued, while this court was in the process of disposing of this petition, Mr. Vikas Singh, Advocate, appears for the respondent Corporation and submits that the issue with the petitioner not being any punishment imposed upon him, the said rules, would, in any case, not be applicable.

However, upon query by this court as to whether any other similar reviews have been decided, he submits that he would have to take instructions in that regard.

That being so, this petition is disposed of with a direction to respondent no.1 to consider the review application filed by the petitioner against the order of the said respondent dated 10.6.2019/11.7.2019 (Annexure P-5).

It is to be observed by this court that in the case of an administrative order, it would be inherently reviewable by the competent authority (for good reasons of course); however, a judicial or a quasi judicial order would only be reviewable if there is a provision for such review in the statute concerned.

With the aforesaid observations, this petition is disposed of, that an appropriate order be passed by respondent no.1, on the review

application filed by the petitioner, within a period of 4 weeks from the date of receipt of a certified copy of this order.

20.7.2020	(AMOL RATTAN SINGH)
pk	JUDGE
Whether speaking/reasoned	Yes
Whether Reportable	Yes