

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

CWP-10621-2020

Date of decision : 28.08.2020

Paramjit Singh

.... Petitioner

Versus

Punjab State Warehousing Corporation and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

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

None for the respondents.

H.S. MADAAN, J (ORAL)

[The case has been taken up through Video Conferencing.]

Present petition under Articles 226/227 of the Constitution of India, is for issuance of writ, order or direction especially in the nature of mandamus directing the respondent-Corporation not to effect recovery from the salary of the petitioner pending the decision of the prayer for stay made by the petitioner in the appeal dated 06.07.2020 (Annexure P-2) pending before respondent No.2 filed against the orders dated 03.02.2020/18.06.2020 (Annexure P-1).

The petitioner-Paramjit Singh alongwith some other employees, working as Warehouse Manager with respondent No.1-Punjab State Warehousing Corporation, Chandigarh was proceeded against departmentally for a misconduct. On conclusion of inquiry, a report was submitted holding petitioner-Paramjit Singh and Sachin Kumar responsible for causing financial loss to their organization-Punjab State Warehousing Corporation, Chandigarh. The Managing Director of the said organization vide order dated 03.02.2020 (Annexure P-1) directed that an amount of Rs.2,72,695/- be recovered from petitioner-Paramjit Singh.

Feeling aggrieved by the said order, petitioner-Paramjit Singh is stated to have filed an appeal before the Appellate Authority, Punjab State Warehousing Corporation, Chandigarh-respondent No.2 which is pending. The grouse of the petitioner is that an application for stay of recovery has been filed, but that application has not been decided by the Appellate Authority till date. As such, the petitioner has approached this Court by way of filing this writ petition claiming for issuance of direction to respondent-Corporation not to effect recovery from salary of petitioner pending the decision of the prayer for stay made by the petitioner in the appeal dated 06.07.2020 (Annexure P-2).

Of course, the Appellate Authority ought to have decided the application for stay of recovery in accordance with law, rather than keeping it pending.

Therefore, the present writ petition is disposed of by directing respondent No.2 to decide the application for stay of recovery filed by the petitioner in the appeal, expeditiously, preferably, within a period of one month from the date of receipt of certified copy of the order. Till the decision of such application, recovery is not to be effected from the salary of the petitioner.

(H.S. MADAAN)
JUDGE

28.08.2020
Dinesh

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