

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

**CWP No.15383 of 2020
Date of Decision :25.09.2020**

Anoop Gachli

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr.Parveen Chauhan, Advocate for the petitioner.
Mr. Kiranpal Singh, AAG, Haryana.
Mr.Padamkant Dwivedi, Advocate for respondents No.2 and 3.
(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court)

ARUN PALLI, J. (Oral):

The petitioner prays for a writ in the nature of *certiorari* to quash the note of dissent dated 16.03.2018 (Annexure P-4) as also the order of punishment dated 04.05.2018 (Annexure P-6), passed by respondent No.3, vide which he has been awarded a major punishment withholding his five annual increments with cumulative effect and a recovery of Rs.2,42,250/- i.e. 50% of the total loss caused by the petitioner to the Corporation.

Concededly, aggrieved by an order of punishment dated 04.05.2018 (Annexure P-6), the petitioner preferred an appeal to the

Chairman, Board of Directors, Haryana Agro Industries Corporation, Panchkula, on 30.05.2018 (Annexure P-7), which is pending consideration.

The limited grievance that the petitioner has, at this stage, is: on the one hand his appeal, is pending for the past over two years before the Appellate Authority and on the other the respondents have initiated the recovery proceedings, pursuant to the punishment order.

As opposed to this, Mr.Padamkant Dwivedi, learned counsel for respondents No.2 and 3, submits that if the appeal preferred by the petitioner is pending for so long he has none else to blame but petitioner himself. For, upon joining as Nodal Officer of the Chairman, Board of Directors, Haryana Agro Industries Corporation, Panchkula, in 2019, the petitioner in fact is the person who prepares the agendas for the meetings of the Board of Directors. Rather, he submits the presumption is it's he who never put up the agenda for consideration of his appeal before the Appellate Authority. Be that as it may, he submits that let this petition be disposed of, at this stage, only with a direction to the Appellate Authority to consider and decide the appeal within a specified time.

In the wake of the above and without commenting upon the merits of the case the petition is disposed of with a direction to respondent No.2 (Appellate Authority) that is in seizin of the appeal, to consider and decide the same within two months from today and in accordance with

law.

Needless to assert that if in the meanwhile, aggrieved by the recovery, sought to be effected during the pendency of the appeal, the petitioner moves any application for interim relief, the same shall be considered and dealt with by the competent authority, in accordance with law.

(ARUN PALLI)
JUDGE

25.09.2020
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No