

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

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IN VIRTUAL COURT

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**CWP No. 21642 of 2020
Date of decision : 16.12.2020**

Paramjit Singh

.....Petitioner

Vs.

The Punjab State Warehousing Corporation and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr.Tahaf Bains, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India seeking for issuance of a writ in the nature of mandamus, directing the respondent Corporation not to effect recovery from the salary of the petitioner till the decision of prayer for stay made in the review petition dated 2.12.2020 (Annexure P-5), filed against the orders dated 11/21.9.2020 (Annexure P-4) passed by respondent No.2, whereby punishment order dated 3.2.2020/27.4.2020 (Annexure P-1) passed by respondent No.1, has been upheld in a cryptic manner, without judicious application of mind and without conducting any enquiry.

The counsel for the petitioner has relied upon the order dated 24.8.2018 passed in CWP No. 19950 of 2018 to contend that since the review petition filed by the petitioner against the punishment and appellate order is pending, therefore, the respondents should be restrained from effecting recovery till the final decision is taken by the reviewing authority on the review

petition filed by the petitioner.

Notice of motion.

Mr. Athar Ahmed, Advocate, has put in appearance on behalf of the respondents.

It is submitted by the respondents that the petitioner himself has filed his review petition after more than two months of passing the appellate order. The review is filed only about two weeks back. Therefore, he cannot legitimately raise the issue of delay in deciding the review petition by the reviewing authority.

In view of the undisputed position that the review petition filed by the petitioner is pending before the reviewing authority and that a Coordinate Bench of this Court has passed a similar order in similar circumstances, this Court deems it appropriate to direct the reviewing authority to decide the review petition filed by the petitioner by passing a speaking order; within a period of six months from the date of receipt of certified copy of this order. It is further ordered that till the decision of the review petition, the respondents shall not effect the recovery from the petitioner.

However, this order is being passed only as an interim protection without expressing any opinion on merits of the case. Therefore, the reviewing authority shall decide the review petition independently; without being influenced by the order passed by this Court.

Disposed of in above terms.

(RAJBIR SEHRAWAT)
JUDGE

16.12.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No