

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

**CWP No.36603 of 2019 (O&M)
Date of Decision:23.01.2020**

Avinash Goyal

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. V.K. Jakhar, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

As per pleadings on record, petitioner who was serving on the post of Field Officer, under the respondent-Corporation was imposed penalty of recovery of Rs.3,47,462/- as also stoppage of one annual increment without future effect vide order dated 21.11.2018 (Annexure P-4) passed by the Managing Director.

The short grievance raised in the petition is that the statutory appeal dated 03.09.2019 (Annexure P-6) preferred by the petitioner against the order of punishment is not being dealt with and on the other hand the punishment of recovery is being made effective.

Counsel submits that under Rule 16 of the Punjab State Civil Supplies Corporation Service Regulations, 1985, it has been provided that till such time Punsup frames its own rules in matters relating to discipline/punishment, the rules applicable to Punjab Govt. employees would be holding the field. It is further submitted that under the Punjab Civil Service (Punishment & Appeal) Rules, 1970 (herein after to be referred to as the 1970 Rules) different kinds of penalties have been defined under Rule 5. The penalty of recovery from the salary of an

employee falls under the category of a minor punishment. Under Rule 15 of the 1970 Rules an appeal is maintainable against any of the penalties specified under Rule 5. Accordingly, it is urged that the appeal preferred by the petitioner dated 03.09.2019 (Annexure P-6) is towards resorting to a statutory remedy available with the petitioner.

Having heard counsel for the petitioner and having perused the pleadings on record, this Court is of the considered view that the Appellate Authority is duty bound to take a final decision on the appeal dated 03.09.2019 (Annexure P-6) and that too within a stipulated time frame. Pendency of the appeal on the one hand and enforcing the order of penalty on the other would certainly prejudice the rights of the petitioner.

As such, without commenting on the merits of the impugned order of recovery passed by the Punishing Authority/Managing Director, the instant writ petition is disposed of with a direction to the Appellate Authority i.e. the Chairman, Punsup to take a final decision on the appeal dated 03.09.2019 (Annexure P-6) expeditiously and in any case within a period of three months from the date of receipt of a certified copy of this order.

Further recovery from the petitioner in pursuance to the order dated 21.11.2018 (Annexure P-4) shall be held in abeyance and would be subject to the final order that is to be passed by the Appellate Authority.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

23.01.2020

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