

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

**CWP No.36709 of 2019 (O&M)
Date of Decision:08.01.2020.**

Rajvir Singh

.....Petitioner

Versus

Punjab State Warehousing Corporation (PSWC) and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. J.P. Rana, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

As per pleading on record, petitioner who was serving on the post of Technical Assistant under the Punjab State Warehousing Corporation, was imposed the penalty of recovery of Rs.72,51,599/- vide order dated 23.09.2019 (Annexure P-3) passed by the Managing Director.

The short grievance raised in the petition is that the statutory appeal dated 09.12.2019 (Annexure P-4) preferred by the petitioner against the order of recovery is not being dealt with and on the other hand the punishment of recovery is being made effective.

Counsel argues that the appeal that had been preferred by the petitioner is towards resorting to a statutory remedy available with the petitioner under the statutory rules.

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 09.12.2019 (Annexure P-4) and that too, within a stipulated time frame. Pendency of the appeal on the one hand and enforcing the order of penalty of recovery on the other, would certainly prejudice the rights of the

petitioner as the same entails adverse civil consequence.

As such without commenting on the merit 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 second respondent to take a final decision on the appeal dated 09.12.2019 (Annexure P-4) expeditiously and in any case within a period of three months from the date of receipt of certified copy of this order.

Further recovery in pursuance to the order dated 23.09.2019 (Annexure P-3) shall be held in abeyance and would be subject to the final order that would be passed by the Appellate Authority.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

January 08, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No