

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

**CWP-2907-2021 (O&M)
Date of Decision: 10.02.2021**

Parvesh Bhandari ...Petitioner
V/s
Punjab State Civil Supplies Corporation Ltd. and Another ..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. V.K.Shukla, Advocate,
For the petitioner.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

As per pleadings on record, punishment of recovery of Rs.31,40,932/- was awarded to the petitioner vide order dated 23.01.2014 (Annexure P-2) passed by the Managing Director of the Corporation.

2. The short grievance raised in the petition is that the statutory appeal dated 19.03.2014 (Annexure P-3) preferred by the petitioner against the order of recovery is not being taken up for hearing and on the other hand the recovery is being made effective.

3. Learned 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 pending appeal preferred by the petitioner dated 19.03.2014 (Annexure P-3) is a statutory remedy available with the petitioner.

4. Having heard counsel for the petitioner and having perused the pleadings on record, I am of the view that 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.

5. 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 19.03.2014 (Annexure P-3) expeditiously and in any case within a period of three months from today.

6. Further recovery from the petitioner in pursuance to the order dated 23.01.2014 (Annexure P-2) shall be kept at abeyance and would be subject to the final order to be passed by the Appellate Authority.

7. Disposed of.

February 10, 2021
vandana

(ARUN MONGA)
JUDGE

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