

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

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CWP No.4136 of 2021
DATE OF DECISION : 22nd FEBRUARY, 2021

Harpreet Singh & Ors.

.... **Petitioners**

Versus

**Principal Secretary to the State of Punjab, Department of Food and
Supplies and Consumer Affairs, Anaaj Bhawan, Sector 39,
Chandigarh & others**

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Shiv Kumar, Advocate for the petitioners.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioners under Articles 226/227 of the Constitution of India; for issuance of suitable writ or order/directions especially in the nature of mandamus directing respondent No.1 to hear and decide the statutory departmental appeal, along with certain other prayers.

It is submitted by the counsel for the petitioners that the respondent No.2-Director, Food Civil Supplies and Consumer Affairs, Punjab had passed order of recovery against the petitioners by imposing minor punishment upon them. The petitioners have preferred statutory appeal before the appellate authority. However, for the past about five months, no decision has been taken on the same by the appellate authority. On the other hand, the respondents are insisting upon effecting recovery from the petitioners. Hence, the respondents deserve to decide

the appeal filed by the petitioners and they deserved to be restrained from effecting any recovery from the petitioners.

Notice of motion.

Mr. Ayush Sarna, Assistant Advocate General, Punjab accepts notice on behalf of the respondents-State.

The counsel for the petitioners submits that, at this stage, the petitioners would be satisfied if the respondents take a final decision on the statutory appeal filed by the petitioners; in a time bound manner.

Even the counsel for the State is not averse to the expeditious disposal of statutory appeal of the petitioners.

Hence, it would not be unjustified to direct respondent No.2 appellate authority to decide the appeal filed by the petitioners within a time bound manner.

In view of the above, respondent No.2 is directed to decide the statutory appeal filed by the petitioners within a period of four weeks from the date of receipt of the certified copy of this order. It is further ordered that till the appeal filed by the petitioners is decided, the recoveries from the petitioners shall remain stayed.

However, it is further clarified that this interim direction shall not confer any equitable right upon the petitioners. The appellate authority will take independent decision without being affected by the fact that the interim order has been passed by this court in favour of the petitioners.

The petition stands disposed of with above said direction.

22nd FEBRUARY, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No