

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

-:-

CWP No.11452 of 2021 (O&M)

Date of decision : 01.07.2021

Major Singh

... Petitioner(s)

Versus

**Punjab State Civil Supplies
Corporation Ltd. (PUNSUP) and Another**

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. Nikhil Chopra, Addl. AG Punjab.

ALKA SARIN, J. (ORAL)

Taken up through video conferencing.

Learned counsel for the petitioner has contended that the statutory appeal dated 03.06.2021 (Annexure P-4) filed by the petitioner is pending against the order of recovery and the same has not been dealt with and at the same time recovery has been initiated and an amount of Rs.19,700 per month is being deducted from the salary of the petitioner. According to learned counsel, Rule 16 of the Punjab State Civil Supplies Corporation Revised Service Regulations, 1985 reads as under:-

“16. Discipline, penalties & appeals

Till such time PUNSUP frames its own rules in matter relating to discipline, punishment shall be governed by the rules applicable to Punjab Government employees from time to time provided that the nature of penalties which may be imposed the authority empowered to impose such penalties and the appellate authority, shall be as specified in Appendix III to these regulations.”

Learned counsel has further submitted that under the Punjab Civil Services (Punishment and Appeal) Rules, 1970 (hereinafter referred to as the '1970 Rules'), different kinds of penalties have been defined under Rule 5. Recovery of penalty from the salary of an employee falls in the category of minor punishment. Under Rule 15 of the 1970 Rules, an appeal is maintainable against the penalties specified under Rule 5. Learned counsel would further submit that the appeal dated 03.06.2021 (Annexure P-4) preferred by the petitioner would amount to resorting to a statutory remedy available to the petitioner.

Heard the learned counsel for the petitioner and perused the record.

The Appellate Authority is bound to take a final decision on the appeal dated 03.06.2021 within a stipulated time frame. The pendency of the appeal on the one hand and enforcing of the order of penalty of recovery on the other, would certainly cause prejudice to the rights of the petitioner.

Without commenting on the merits of the case, the present petition is disposed off with a direction to the Appellate Authority i.e. Chairman, Punjab State Civil Supplies Corporation Ltd. (PUNSUP) to take a final decision, in accordance with law, on the appeal dated 03.06.2021 (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.

Recovery in pursuance to the order dated 05.03.2021 (Annexure P-2) issued under endorsement No.Admin-Mansa (72-C)-2021/780 dated 18.05.2021 passed by respondent No.1 shall be kept in abeyance and would be subject to the final order to be passed by the Appellate Authority.

Disposed off accordingly.

July 01, 2021
tripti

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO