

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.12922 of 2021

Date of Decision: 16.07.2021

Avneesh Kumar and another

....Petitioners

VERSUS

The Appellate Authority, The Punjab State Civil Supplies Corporation Ltd.,
PUNSUP and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Tahaf Bains, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

Learned counsel for the petitioners would contend that the statutory appeal dated 21.06.2021 (Annexure P-2) filed by the petitioners is pending against the order of recovery dated 19.02.2021 issued on 18.05.2021 (Annexure P-1) and the same has not been dealt with and at the same time recovery has been initiated and an amount of Rs.3,56,176/- and Rs.1,42,470/- is being deducted from the salaries of the petitioners respectively. 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 21.06.2021 (Annexure P-2) preferred by the petitioners would amount to resorting to a statutory remedy available to the petitioner.

Notice of motion.

On the asking of the Court, Mr. H.S. Randhawa, Advocate, who has joined the session through video conferencing, accepts notice on behalf of the respondents.

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

The Appellate Authority is bound to take a final decision on the statutory appeal dated 21.06.2021 within a stipulated time frame. The pendency of the appeal on the one hand and the enforcing of the order of penalty of recovery on the other would certainly cause prejudice to the rights of the petitioners.

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. to take a final decision, in accordance with law, on the statutory appeal dated 21.06.2021

(Annexure P-2) 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 19.02.2021 (Annexure P-1) issued under Endorsement No. Estd.-Faridkot (572)-2021/781 dated 18.05.2021 passed by respondent No.2 shall be kept in abeyance and would be subject to the final order to be passed by the Appellate Authority.

Disposed off accordingly.

**(ALKA SARIN)
JUDGE**

**16th July, 2021
jk**

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