

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

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CWP No.16669 of 2021 (O&M)
DATE OF DECISION : 27th OCTOBER, 2021

ASI Ram Singh

.... Petitioner

Versus

State of Punjab & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Ms. Meenu, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

CM-15316-CWP-2021

This is an application filed under Section 151 C.P.C. for placing on record the Annexures P-11 and P-12.

The application is allowed as prayed for and Annexures P-11 and P-12 are taken on record, subject to all just exceptions.

CWP No.16669 of 2021

The present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India; for issuance writ in the nature of certiorari for quashing the impugned order dated 13.01.2021 (Annexure P-10) vide which two years' regular service of the petitioner has been forfeited with permanent effect for the purpose of annual increments, along with certain other prayers.

It is not disputed by learned counsel for the petitioner that the order impugned in the present petition is appealable under the statutory rules. The counsel has further submitted that the petitioner had even preferred an appeal before the competent authority. The said appeal

has been placed on record, vide separate application moved in this writ petition, as Annexure P-11. However, the respondents have not taken any action on the said statutory appeal.

Notice of motion.

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

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

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

Hence, it would not be unjustified to direct the respondents appellate authority to decide the appeal filed by the petitioner within a time bound manner.

In view of the above, respondents are directed to decide the statutory appeal filed by the petitioner 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 petitioner is decided, the recovery from the petitioner shall remain stayed.

However, it is further clarified that this interim direction shall not confer any equitable right upon the petitioner. 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 petitioner.

The petition stands disposed of with above said direction.

27th OCTOBER, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*