

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

CWP 19183 of 2021

Date of Decision: September 23, 2021

Varinder Kumar

...Petitioner

Versus

Punjab State Warehousing Corporation and another

... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Gunjan Rishi, Advocate
for the petitioner.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

The petitioner has come up in this civil writ petition under articles 226/227 of the Constitution of India seeking a prayer by way of writ of *mandamus* directing the respondents to decide the appeal (Annexure P-4) of the petitioner in a time bound manner.

The brief facts necessitating the petitioner to file

above appeal (Annexure P-4) are that the petitioner was appointed as Technical Assistant on 14.04.1976 in the Punjab State Warehousing Corporation and promoted as Warehouse Manager in 1997. His service was governed by Punjab Civil Services Punishment and Appeal Rules 1970. The petitioner worked with the respondent corporation for more than 30 years with due diligence and entire satisfaction of his seniors but despite that the petitioner was dismissed from service w.e.f. 22.08.2006 after serving upon him charge sheet dated 12.02.2004 and on adoption of due process of inquiry and, as such, the petitioner assailed the order of his dismissal dated 22.08.2006 by filing an appeal before the Appellate Authority but the said appeal was also dismissed vide order dated 18.05.2007. The petitioner also filed a review petition against order dated 18.05.2007 on 06.08.2007, however, vide order dated 11.08.2008 the review was also dismissed.

The petitioner assailed the said orders by filing a civil writ petitioner bearing No. 21042 of 2011 before this Court titled

as “Varinder Kumar Vs. State of Punjab and others”, which was partly allowed vide order dated 17.03.2015 and the matter was remanded back to the Appellate Authority to reconsider the appeal filed by the petitioner on merits, however, upon reconsideration, the Appellate Authority vide order dated 17.11.2015 dismissed the appeal of the petitioner and imposed penalty of Rs. 2,34,24,413.70/- for damaging wheat stocks.

It is against the said order dated 17.11.2015, the petitioner filed an application for review which was allowed by the Appellate Authority vide order dated 18.05.2018 directing the Managing Director PSWC to pass fresh order by giving due opportunity of being heard.

Upon rehearing, Ld. Managing Director PSWC vide order dated 12.03.2019 ordered that dismissal orders as well as effecting 50% recovery shall remain as such.

Against the said order, the petitioner has filed appeal (Annexure P-4) before the Appellate Authority on 26.04.2019, which has not been considered till date.

Heard.

Upon hearing learned counsel for the petitioner side, the directions are issued to the respondent No.2-Appellate Authority to duly consider the appeal (Annexure P-4) of the petitioner and decide the same in accordance with law by passing a speaking order, preferably, within a period of one month from the date of passing of this order.

If the petitioner is held entitled for so claimed relief and there is no impediment for granting the same, the relief be released to him without any delay as per law.

Disposed off.

September 23, 2021
amit rana

(FATEH DEEP SINGH)
JUDGE

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