

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.1498 of 2022 (O&M)

Date of Decision:28.01.2022

Surender Singh and another

.....Petitioners

Versus

Appellate Authority and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Jagdeep Bains, Advocate
and Mr.Tahaf Bains, Advocate
for the petitioners.

Mr. Deepak Balyan, Advocate
for the respondents.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioners are employees of the respondent-Haryana State Warehousing Corporation (HSWC). Petitioners were proceeded against after issuance of charge sheets on account of delivery of less assured grain. The Managing Director of the Corporation on 12.10.2021/12.11.2021, Annexure P-1 imposed penalty of Rs.1,36,172/- upon the petitioners in equal proportion and also warned them to be careful in future. It is stated that the petitioners filed an appeal along with an application for stay dated 31.12.2021, Annexure P-2, under Rule 9 of the Haryana Civil Services (Punishment and Appeal) Rules 2016 read with Regulation 15 of the HSWC (Officer and Staff) Regulation 1994, which is pending.

Grievance raised by the petitioners is that applications for stay not having been decided by the appellate authority but the department has

proceeded to effect proportionate recoveries from the monthly salaries of the petitioners which would in-fact render their appeal infructuous. Limited prayer addressed is that pending appeal, recoveries be not affected. Learned counsel for the petitioners relies upon orders dated 23.05.2018 in CWP No. 12307 of 2018 and 05.05.2021 in CWP No 9496 of 2021.

Notice of motion.

Mr. Deepak Balyan, Advocate, accepts notice on behalf of the respondents and verifies that appeal has been filed on behalf of the petitioners challenging order dated 12.10.2021/12.11.2021, Annexure P-1.

Keeping in view the limited prayer addressed, facts and circumstances of the case, but without any expression of opinion of the matter, this writ petition is disposed with a direction to the appellate authority to decide the statutory appeal filed by the petitioners expeditiously and preferably within six months from the date of receipt of certified copy of this order and till such time, application for stay/appeal of the petitioners is not decided, recovery of the amount from the salaries of the petitioners to remain stayed.

Writ petition is accordingly disposed of.

28.01.2022

s.khan

[LISA GILL]
Judge

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