

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-8649-2022 (O&M)

DATE OF DECISION: 11.05.2022

ASHWANI KUMAR

... Petitioner(s)

Versus

PUNJAB STATE WAREHOUSING CORPORATION AND ANR

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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

ANUPINDER SINGH GREWAL, J. (ORAL)

Learned counsel for the petitioner submits that the statutory appeal of the petitioner is yet to be decided by respondent No.2 while the punitive order effecting recovery from the petitioner is being implemented. He also submits that in a similar petition bearing **CWP-33348-2019** titled as **Bodh Raj Vs. Punjab State Warehousing Corporation and another** decided on 18.11.2019, a Coordinate Bench of this Court had directed that the appeal be decided within 03 months and till then no recovery is to be effected from the petitioner.

Heard.

The case of the petitioner appears to be covered by the judgment of the Coordinate Bench of this Court in **Bodh Raj Vs. Punjab State Warehousing Corporation and another** (supra). The order is reproduced hereunder:-

“As per pleadings on record, petitioner who was serving on the post of Warehouse Manager under the Punjab State Warehousing Corporation was imposed the

penalty of Rs.4,20,482/- vide order dated 22.08.2019 (Annexure P-2) passed by the Managing Director.

The short grievance raised in the petition is that the statutory appeal dated 25.10.2019 (Annexure P-3) preferred by the petitioner against the order of recovery is not being dealt with and on the other hand, the punishment of recovery is being made effective.

Counsel argues that the appeal that had been preferred by the petitioner is towards resorting to a statutory remedy available with the petitioner under the statutory rules.

Having heard counsel for the petitioner and having perused the pleadings on record, this Court is of the considered view that the Appellate Authority is duty bound to take a final decision on the appeal dated 25.10.2019 and that too, within a stipulated time frame. Pendency of the appeal on the one hand and enforcing the order of penalty of recovery on the other, would certainly prejudice the rights of the petitioner.

As such, without commenting on the merits of the impugned order of recovery passed by the Punishing Authority/Managing Director, the instant writ petition is disposed of with a direction to the Appellate Authority i.e. the 2nd respondent to take a final decision on the appeal dated 25.10.2019 (Annexure P-3) expeditiously and in any case within a period of three months from the date of receipt of a certified copy of this order.

Further recovery in pursuance to the order dated 22.08.2019 (Annexure P-2) shall be held in abeyance and would be subject to the final order that would be passed by the Appellate Authority.

Disposed of.”

Consequently the petition is disposed of without issuing notice to the respondents with a direction to the appellate authority (respondent No.2) to consider and decide the appeal in accordance with law within a period of three months from the date receipt of certified copy of the order.

Further recovery from the petitioner shall remain stayed and would be subject to the final order that may be passed by the appellate authority.

11.05.2022

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

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