

**219 IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CWP No. 26143 of 2015 (O&M)**

**Date of Decision: 23.05.2022**

Manmohan Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Kehar Singh Hissowal, Advocate,  
for the petitioner.

Mr. Charanpreet Singh, AAG Punjab.

**MAHABIR SINGH SINDHU. J.**

Writ petition has been filed under Article 226 of the Constitution, *inter-alia*, for issuance of writ in the nature of certiorari to quash the order impugned dated 28.10.2015 (P-1) whereby recovery of Rs.21,858/- was imposed against the petitioner.

During the course of hearing, learned State counsel raised an objection that above order is appealable under rule 16 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 (for short “rules of 1970”); but without exhausting the remedy of statutory appeal, petitioner has approached this Court while invoking the extra-ordinary jurisdiction, which is not permissible.

Faced with the above situation, learned counsel on instructions from petitioner submits that he be permitted to withdraw the present writ petition with liberty to take recourse to the remedy of statutory appeal.

In view of the above, this writ petition is disposed off with liberty aforesaid.

It is clarified that in case an appeal is preferred by the petitioner within two weeks from receipt of certified copy of this order, the same shall be considered and decided in accordance with law by the competent authority while passing reasoned order within six months from its institution.

Also necessary to observe here that petitioner has been pursuing the present petition under a bona fide impression on legal advice rendered by his counsel, therefore, the Appellate Authority while entertaining the appeal and particularly on the point of delay, shall take into consideration the pendency of proceedings before this Court in the interest of justice in terms of rule 17 of the rules of 1970.

23.05.2022

(MAHABIR SINGH SINDHU)  
JUDGE

SN

**Whether speaking/reasoned : Yes/No**

**Whether Reportable: Yes/No**