

In the High Court of Punjab and Haryana at Chandigarh

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CWP-21280-2022 (O & M)

Date of Decision: September 16, 2022

SHAM LAL

.....PETITIONER

VERSUS

**PUNJAB STATE CIVIL SUPPLIES
CORPORATION AND ANOTHER**

....RESPONDENTS

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-22824-2019 titled as **Major Singh versus Punjab State Civil Supplies Corporation and another** decided on 28.08.2019, 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 Major Singh's case (supra). The order is reproduced hereunder:-

“As per pleadings on record, petitioner who was serving on the post of Public Distribution Clerk, Punsup was imposed penalty of recovery of Rs.2,08,263/- vide order dated 11.6.2019 (Annexure P-2) passed by the Managing Director.

The short grievance raised in the petition is that the statutory appeal dated 29.7.2019 (Annexure P-4) 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 submits that under Rule 16 of the Punjab State Civil Supplies Corporation Service Regulations, 1985, it has been provided that till such time Punsup frames its own rules in matters relating to discipline/punishment, the rules applicable to Punjab Govt. employees would be holding the field. It is further submitted that under the Punjab Civil Service (Punishment & Appeal) Rules, 1970 (herein after to be referred to as the 1970 Rules) different kinds of penalties have been defined under Rule 5. The penalty of recovery from the salary of an employee falls under the category of a minor punishment. Under Rule 15 of the 1970 Rules an appeal is maintainable against any of the penalties specified under Rule 5. Accordingly, it is urged that the appeal preferred by the petitioner dated 29.7.2019 (Annexure P-4) is towards resorting to a statutory remedy available with the petitioner.

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 29.7.2019 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 appellate authority/Managing Director, the instant writ petition is disposed of with a direction to the appellate authority i.e. the Chairman, Punjab State Civil Supplies Corporation (Punsup) to take a final decision on the appeal dated 29.7.2019 (Annexure P-4) expeditiously and in any case within a period of three months from the date of receipt of a certified copy of this order.

Recovery in pursuance to the order dated 11.6.2019 (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.

(ANUPINDER SINGH GREWAL)
JUDGE

September 16, 2022
A.Kaundal

Whether speaking/ reasoned : Yes/No
Whether Reportable : Yes/No