

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

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CWP No.23533 of 2022

Date of Decision: 14.10.2022

Kulwinder Singh

...Petitioner

Versus

Punjab State Civil Supplies Corporation Limited (PUNSUP) and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

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

VIKAS SURI, J. (Oral)

Learned counsel for the petitioner submits that the statutory appeal filed by the petitioner is still pending adjudication before respondent No.2, while the punitive order effecting recovery from the petitioner is being implement. He also submits that in a similar petition, i.e. CWP-22824-2019 titled *Major Singh vs. 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 three months and till then no recovery would be effected from the petitioner.

Heard learned counsel for the petitioner.

The case of the petitioner is stated to be identical to that of **Major Singh's case** (supra). The order in the said case reads as under:-

“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 (AnnexureP-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.”

In view of above, the present 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 of the petitioner in accordance with law within a period of three months from the date of receipt of certified copy of this order.

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

(VIKAS SURI)
JUDGE

October 14, 2022
vcgarg

Whether speaking/reasoned:	Yes
Whether reportable:	No