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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29214-2022
Date of decision: 19.12.2022

AVINASH GOYAL

...Petitioner

VERSUS

PUNJAB STATE CIVIL SUPPLIES CORPORATION LTD. (PUNSUP)
AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing respondent No.1, the Punishing Authority to stop the recovery of 60% from the salary of the petitioner till the pendency of the statutory appeal dated 22.11.2022 (Annexure P-3) filed by the petitioner against the order of punishment dated 01.09.2022 (Annexure P-2), pending decision before respondent No.2.

In brief, the facts as pleaded, are that the petitioner herein while working as Field Officer, PUNSUP at Fatehgarh Sahib (now Moga) was visited with disciplinary proceedings and by order dated 01.09.2022 (Annexure P-2), was imposed with recovery of Rs.1,71,865/- from his salary on account of the loss incurred by respondent No.1-Corporation.

Learned counsel for the petitioner would contend that statutory appeal has already been filed against the aforesaid recovery order and the limited prayer made in that till the pendency of the said appeal, no recovery should be imposed upon the petitioner and the operation of order dated 01.09.2022 be stayed.

Notice of motion.

Ms. Deepali Puri, Addl. A. G., Punjab, who is present in Court, accepts notice on behalf of the respondents. Let sufficient number of copies of the complete paper-book be supplied to her during the course of day.

I have heard learned counsel for the parties.

In view of the limited prayer made for staying of recovery from the petitioner during the pendency of statutory appeal dated 22.11.2022 (Annexure P-3), I deem it appropriate to dispose of the instant writ petition as it being an admitted fact that the petitioner herein has already filed the aforesaid statutory appeal, which is pending decision and the till the time the same is decided, no recovery be effected from the salary of the petitioner.

Disposed of accordingly.

19.12.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No