

CWP-15179-2023

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2023:PHHC:091162

122 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-15179-2023

Date of decision: 19.07.2023

Sawinderpal and others

.....Petitioners

V/s

Punjab State Warehousing Corporation and another

..Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Tahaf Bains, Advocate  
for the petitioner.

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**DEEPAK MANCHANDA J. (ORAL)**

The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of writ, order or direction in the nature of mandamus, directing the respondent-Corporation not to effect recovery from the petitioners pending application for stay made by the petitioners in the statutory appeal dated 30.06.2023 (Annexure P-2) pending before respondent No.2 filed against order dated 16.06.2023 (Annexure P-1) passed by respondent No.1 whereby a punishment of recovery has been imposed upon the petitioners.

Learned counsel for the petitioners submits that due to untimely heavy rainfall in the month of April 2012, the wheat stock which was being procured was severally affected and as per a Joint Resolution moved by the State of Punjab for seeking exemption from storage gain of wheat stock for

the crop year 2012-13. In pursuance of the same vide memo No.AS-1(39)/2012/1953 dated 10.08.2012, the Department of Food, Civil Supplies and Consumer Affairs, Punjab sent a request to the Government of India requesting exemption from storage gain on the aforesaid period but still the procurement of the same was compelled and the wheat stock was stored at State Warehouse, Bhikhiwind. Learned counsel further submits that thereafter the petitioner was served a show cause notice dated 22.01.2016 under Rule 10 of the Punjab Civil Services (Punishment and Appeal) Rules, where the reply was filed by petitioner No.1 in March, 2016 and petitioners No.2 and 3 also filed their replies and no enquiry was conducted and after the retirement of the petitioners No.1 and 2 without considering the reply submitted by them, the Punishing Authority proceeded to pass order dated 16.06.2023 imposing a punishment of recovery upon the petitioners and to other employees vide order dated 16.06.2023. Thereafter, petitioners preferred a statutory appeal before the respondent No.2 along with an application for stay during the pendency of the appeal on 30.06.2023 and the same is pending for adjudication.

Notice of motion.

Mr.Gagandeep Singh Virk, Advocate has put in appearance on behalf of respondents and filed his *memo of appearance*, and concedes that the statutory appeal has been filed and the same would be decided within a period of three months.

I have heard learned counsel for the parties and have gone through the record of the case.

In view of the aforesaid stand of the counsel for the respondents, the present petition is disposed of with directions that the statutory appeal dated 30.06.2023 (Annexure P-2) filed by the petitioners pending before the Appellate Authority shall be decided within a period of three months, by passing a speaking order from the date of receipt of certified copy of this order and till then, no recovery from the salaries of the petitioners shall be effected.

The petition stands disposed of.

(DEEPAK MANCHANDA)  
JUDGE

19.07.2023  
*Sapna*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |