

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

121

CWP-15508-2023
Date of decision: 21.07.2023

AMRIT PAL SINGH

.....Petitioner

VERSUS

**DEPARTMENT OF FOOD CIVIL SUPPLIES AND CONSUMER
AFFAIRS & OTHERS**

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Sumeetpal Singh Sidhu, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondent No.1 to hear and decide the statutory departmental appeal dated 24.04.2023 (Annexure P-2) against the order dated 28.02.2023 (Annexure P-1) passed by Punishing Authority i.e. respondent No.3.

Learned counsel appearing on behalf of the petitioner contends that the order of punishment had been imposed against the petitioner vide order dated 28.02.2023. A departmental appeal against the same has already been filed by him before the Appellate Authority i.e. the Principal Secretary, Department of Food & Civil Supplies and Consumer Affairs, Punjab. He submits that even though the aforesaid appeal has been pending for last more than 03 months, however, the

same has not been heard or decided whereas the respondents have already started effecting recovery from the salary of the petitioner. He is thus being gravely prejudiced on both accounts. He contends that he would be satisfied in case the respondent-authorities are directed to decide the pending appeal in a time bound manner after granting an opportunity of hearing to the petitioner.

Notice of motion.

Ms. Niharika Sharma, AAG, Punjab appears and accepts notice on behalf of respondents No.1 & 2.

Service on respondent No.3-PUNGRAIN, Chandigarh is dispensed with at this stage.

Learned State counsel does not have any objection to the aforesaid prayer being granted so that the pending appeal of the petitioner may be decided in time bound manner.

Accordingly, with the consent of the parties and without commenting on the merits, the present writ petition is disposed of with a direction to the respondent No.1 to decide the pending appeal of the petitioner against the order dated 28.02.2023 (Annexure P-1) and preferably within a period of 03 months of a receipt of certified copy of this order after granting of an opportunity of hearing to the respective parties.

(VINOD S. BHARDWAJ)
JUDGE

JULY 21, 2023

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No