

CWP- 18099-2023 (O&M)

-1-

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

CWP- 18099-2023 (O&M)

Date of Decision:21.08.2023

Gurdev Singh and another

... Petitioners

V/s.

*The Appellate Authority, The Punjab State Civil Supplies Corp. Ltd. and
another*

... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

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

DEEPAK MANCHANDA, J.(Oral)

Through the instant Civil Writ Petition filed before this Court under Article 226/227 of the Constitution of India the petitioners has prayed for issuance of a writ in the nature of Mandamus directing the Respondent-corporation not to effect recovery from the salaries of the petitioners till the pendency of the decision of the prayer for stay made in the appeal dated 07.08.2023, annexed with the present petition as Annexure P-2, filed by the petitioners herein against the orders dated 20.07.2023/28.07.2023, annexed with the present petition as Annexure P-1, passed by the Respondent no. 2 vide which punishment of recovery has been imposed upon the petitioners

on the allegations of rejected covers/ tarpaulins which were being used beyond the prescribed period and also the charge of that of those articles had never been delivered to the petitioners. The petitioners through this petition has further prayed for staying the recovery from the salaries of the petitioners during the pendency of the present writ petition.

Learned counsel for the petitioners submits that the petitioners, Gurdev Singh, Inspector Gr. 2 from the office of PUNSUP Faridkot and Parwinder Singh, Inspector Gr.. 1 from the office of PUNSUP Kotkapura were posted as Centre Incharge for the articles including the polythene sheets/Tarpulins. Petitioner No. 1 was posted as Incharge Centre Faridkot but no charge was given to him by his predecessor, though he made several verbal and written requests. Petitioner No. 2 was posted at Centre Kotkapura and was handed over the charge by his predecessor on 22.08.2016 but only related to the wheat stock but not of the dead stock articles. The unserviceable polythene sheets were left shattered on the Katcha floor at M/s R. S. Open Plinths in an extremely deplorable condition, which petitioners also brought to the notice of the authorities. But on 27.10.2021, they were issued show cause notice for recovery of amount pertaining to unserviceable polythene sheets. They submitted various replies/written submission but the authorities imposed the punishment of recovery of Rs. 15,30,995/- and 19,95,916/- upon the petitioners vide orders dated 20.07.2023 and 28.07.2023 respectively. Aggrieved from the same, the petitioners preferred a statutory appeal dated 07.08.2023 along with a request for staying the operation of the impugned order dated 20.07.2023 and 28.07.2023 which is still pending consideration.

CWP- 18099-2023 (O&M)

-3-

Learned counsel for the petitioners further submits that the petitioners have already raised the said grievance in the statutory appeal dated 07.08.2023 (Annexure P-2), which is still pending consideration with respondents and the petitioner will be satisfied at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

At this stage, Mr. M. S. Batth, Advocate has put in appearance on behalf of respondents and concedes that the statutory appeal has been filed and the same would be decided within a period of eight 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 the directions that the statutory appeal dated 07.08.2023 (Annexure P-2) filed by the petitioners pending before the Appellate Authority shall be decided within a period of six months by passing a speaking order from the date of receipt of certified copy of this order and till then, no recovery from the salary of the petitioners shall be effected.

(DEEPAK MANCHANDA)
JUDGE

21.08.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No