

114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20611-2023

Date of decision: 19.09.2023

Khushwinder Mangla

.....*Petitioner*

V/s

*Department of Food Civil Supplies and Consumer Affairs, Chandigarh and
others*

...*Respondents*

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

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

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 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 17.03.2023 (Annexure P-2) against the order dated 07.03.2023 (Annexure P-1) passed by Punishing Authority i.e. respondent No.3 and to set aside order dated 07.03.2023 (Annexure P-1) and to stay the operation of the impugned order to the extent of keeping the recoveries of the amount in abeyance till the final disposal of the statutory appeal filed by the petitioner.

Learned counsel for the petitioner submits that the limited prayer of the petitioner is that the statutory appeal dated 17.03.2023 (Annexure P-2) is pending before respondent No.1 and has not been decided till date. He refers to instructions dated 03.03.1997 (Annexure P-3) issued by the Government of Punjab, wherein it is clearly mentioned that all the pending appeals/review petitions etc., preferred by the Government employees are to be disposed of

within a period of three months from the receipt of such appeals/review petition etc.

Notice of motion.

On asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of respondents No. 1 & 2 and does not object to the prayer made by learned counsel for the petitioner.

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

The Department of Food Civil Supplies and Consumer Affairs, Chandigarh-respondent No.1 is directed to consider and decide the appeal dated 17.03.2023 (Annexure P-2) in accordance with law, by passing a speaking order as expeditiously as possible preferably within a period of three months from the date of receipt of certified copy of this order.

Since the statutory appeal filed by the petitioner is still pending and yet to be decided, it will be in the interest of justice that no further recovery be effected from him.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

19.09.2023
Sapna

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