

2023:PHHC:060402

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

CWP-26853-2022

Date of decision : 25.04.2023

Jaswinder Singh

..... Petitioner

versus

Punjab State Civil Supplies Corporation and another ... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Birinder Pal, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

By way of present writ petition, the petitioner seeks writ in the nature of mandamus directing the respondents not to effect recovery pursuant to the order of punishment dated 28.07.2022 (P-2) till his departmental appeal dated 22.10.2022 (P-3) is finally decided.

2. On 23.11.2022, following order was passed:-

“Counsel appearing on behalf of the petitioner would submit that a statutory appeal has been filed against the order dated 28.07.2022, Annexure P-2, vide which recovery of Rs.9,82,692/- and Rs.14,60,885/- has been imposed upon the petitioner. The limited prayer is that till the pendency of the said appeal, recoveries be not effected from the petitioner.

Notice of motion.

At this stage, Ms. Deepali Puri, Additional Advocate General, Punjab, accepts notice on behalf of the respondents.

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Let adequate number of copies of paper book be supplied to the counsel appearing on behalf of respondents during the course of the day.

Adjourned to 25.04.2023.

Since the petitioner has already filed statutory appeal against the impugned order and the recoveries, let there be a stay on the recovery till the final decision of the appeal.”

3. Today, counsel representing the respondents fairly submits that the recovery would not be effected before the appeal is finally decided.

4. Finding it to be a fair request, the present writ petition is disposed off with the directions to the Appellate Authority to consider and decide the appeal dated 22.10.2022 (P-3) filed by the petitioner against order of punishment dated 28.07.2022 (P-2) within a period of 03 months from the date of receipt of certified copy of this order. The respondents shall remain bound by their statement and shall not effect any recovery from the petitioner pursuant to punishment order dated 28.07.2022 till the appeal preferred by the petitioner is finally decided.

4. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

25.04.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No