

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

CWP-26466-2023 (O&M)
Date of decision :24.11.2023

ASHWANI KUMAR

...Petitioner

Versus

PUNJAB STATE WAREHOUSING CORPORATION
(PSWC) AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

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

HARSH BUNGER, J.

1. Petitioner-Ashwani Kumar has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *mandamus* for directing respondent No.1 (Punishing Authority) to stop the recovery @ 60% per month from his salary till the pendency of the statutory appeal dated 20.10.2023 (Annexure P-3) filed by him against the order of punishment dated 16.08.2023 (Annexure P-2) passed by respondent No.1-Punjab State Warehousing Corporation; whereby the recovery of Rs.1,67,80,114/- has been imposed upon him.

An alternate prayer has been made for staying the operation of the order dated 16.08.2023 (Annexure P-2) till the Appellate Authority

decides the Statutory Appeal dated 20.10.2023 (Annexure P-3) filed by the petitioner.

2. At the outset, learned counsel for the petitioner submits that he restricts his prayer for issuing an appropriate direction to the Appellate Authority to decide the appeal dated 20.10.2023 (Annexure P-3) filed by the petitioner against the order of punishment dated 16.08.2023 (Annexure P-2) expeditiously by passing a speaking order in a time bound manner and to further stay the operation of order dated 16.08.2023 (Annexure P-2) during the pendency of appeal.

3. Notice of motion.

4. At this stage, Mr. Parambir Singh, Advocate, appears and files his 'Memorandum of Appearance' on behalf of the respondents in the Court today, which is taken on record subject to all just exceptions. He submits that he has no objection if a restricted prayer of the petitioner is accepted and a direction is issued to the Appellate Authority to decide the appeal filed by the petitioner in a time bound manner.

5. I have heard learned counsel for the parties and have perused the paper book with their able assistance.

6. In view of the above stand taken by the parties, respondent No.2 i.e. The Appellate Authority, Punjab State Warehousing Corporation, is directed to consider and decide the appeal dated 20.10.2023 (Annexure P-3) filed by the petitioner, in accordance with law, by passing a speaking order, as expeditiously as possible, preferably within a period of six months from the date of receipt/presentation of certified copy of this order.

7. Since, the Statutory Appeal is still pending and is yet to be finally decided, it would be in the interest of justice that no further recovery

be effected from the petitioner till the final disposal of the appeal filed by him.

- 8. The instant petition stand disposed of in the afore-stated terms.
- 9. All pending application/s, if any, shall also stand closed.

November 24, 2023
Sjks/gurpreet

(HARSH BUNGER)
JUDGE

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