

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CWP No.26961 -2025****Date of decision: 11.09.2025****Ram Piari****.... Petitioner****Vs.****State of Punjab and others****.... Respondents****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Vivek Aggarwal, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J (Oral)

1. Through the instant petition, a challenge is thrown to the charge sheet dated 16.01.2023 (Annexure P-4); enquiry report dated 30.05.2023 (Annexure P-7); and the impugned order dated 12.10.2023 (Annexure P-9), wherethrough, punishment of 10% cut in the pension for five years, has been imposed upon the petitioner.

2. On a specific query put by this Court to the learned counsel for the petitioner, as to whether, the order of punishment is appealable, to which he answered in affirmative, and further submits that, in fact, appeal (Annexure P-10) has been preferred by the petitioner and the same is pending since 15.10.2023. However, no decision has been taken on the said appeal so far, and therefore the petitioner is left with no other option but to file the instant petition. He further submits that on the one hand, recovery is being made from the petitioner on account of the punishment order, and on the other hand, the appeal preferred by the petitioner has not been decided.

3. Notice of motion.

4. Mr. Sahil R. Bakshi, learned Assistant Advocate General, Punjab, accepts notice on behalf of the respondents and waive service. He, on instructions from Arun Kumar, Senior Assistant, Department of Water Resources, informed that the reason for not deciding the appeal is that the appeal has not been filed before the competent authority. In the case of the petitioner, the competent authority is Minister In-charge.

5. This Court has heard the submissions of the learned counsel for the parties and is of the considered view that in case the authority, who is seized of the appeal (Annexure P-10), is of the view that it is not the competent authority, then it



ought to have transferred this appeal to the competent authority for its disposal. However, the same has not been done, therefore, this Court, in view of the peculiar facts and circumstances of the instant case, passes a mandamus upon the authority who is seized of the matter, to forthwith, transfer the appeal to the competent authority. Thereafter, the competent authority shall, within eight weeks, decide the appeal after giving due opportunity of hearing to the petitioner.

6. Till the decision of the appeal (Annexure P-10), no recovery shall be effected from the petitioner.

7. **Disposed of** accordingly.

(KULDEEP TIWARI)
JUDGE

11.09.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No