

(2010) 09 P&H CK 0289

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 15641 of 2010

Baldev Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: Sept. 1, 2010

Acts Referred:

- Constitution of India, 1950 - Article 226, 227

Hon'ble Judges: Ajai Lamba, J

Bench: Single Bench

Judgement

Ajai Lamba, J.

This civil writ petition has been filed under Article 226/227 of the Constitution of India, praying for issuance of a writ in the nature of mandamus, directing the respondents to take decision on the statutory appeal (Annexure P-1) filed by the petitioner which is pending since 28.12.2009.

2. Learned Counsel for the petitioner contends that in departmental action, five orders have been passed whereby annual increments have been stopped with cumulative effect. The petitioner exercising, his right to file appeal, filed statutory appeal vide Annexure P-1. Learned Counsel contends that till date no decision has been taken by the respondents.

3. Notice of motion.

4. On the asking of the Court, Ms. Charu Tuli, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondents. Requisite number of copies of the writ petition have been handed over to learned Counsel for the respondents in Court.

5. On request of learned Counsel for the parties and in view of the limited prayer made in the petition, the matter is taken up at this stage itself for final adjudication in view of the peculiar facts and circumstances of the case.

6. Having considered the contentions of the learned Counsel, I am of the considered opinion that the petitioner is entitled to early adjudication and disposal of the statutory appeal. Punitive orders adversely effect the rights of an employee. In such circumstances, decision in statutory appeal cannot be delayed. The petitioner filed statutory appeal in the year 2009.

7. Considering the totality of facts and circumstances of the case, respondent No. 1 is directed to take decision on the statutory appeal (Annexure P-1) filed by the petitioner within a period of three months of receipt of a certified copy of this order. It goes without saying that petitioner would be given an opportunity of hearing and the order passed would assign reasons.