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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1779 of 2017**

- Khemraj Patel S/o Shri Babulal Patel, Aged About 58 Years Posted As Field Assistant, Chhattisgarh Marketing Federation At District Saraipali (Chhattisgarh)

---- **Petitioner****Versus**

1. State of Chhattisgarh Through The Secretary, Department of Cooperative Societies, Mantralaya Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Managing Director, Chhattisgarh State Marketing Federation- 880, Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)
3. Secretary, Chhattisgarh State Marketing Federation- 880, Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)
4. Manager (Establishment), Chhattisgarh State Marketing Federation- 880, Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)

---- **Respondent****And****WPS No. 1790 Of 2017**

- Nagendra Kumar Sharma S/o Late Shri Chandrashekhar Sharma, Aged About 40 Years Posted As Field Assistant, Chhattisgarh Marketing Federation At Bagbahara, District Mahasamund (Chhattisgarh)

---- **Petitioner****Vs**

1. State of Chhattisgarh Through The Secretary, Department of Cooperative Societies, Mantralaya Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Managing Director, Chhattisgarh State Marketing Federation- 880, Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)
3. Secretary, Chhattisgarh State Marketing Federation- 880, Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)
4. Manager (Establishment), Chhattisgarh State Marketing Federation- 880, Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)

---- Respondent

And

WPS No. 1795 Of 2017

- Khemraj Patel S/o Shri Babulal Patel, Aged About 58 Years Posted As Field Assistant, Chhattisgarh Marketing Federation At District Saraipali (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Mantralaya Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Managing Director, Chhattisgarh State Marketing Federation- 880, Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)
3. Secretary, Chhattisgarh State Marketing Federation- 880, Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)
4. Manager (Establishment), Chhattisgarh State Marketing Federation- 880, Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)

---- Respondent

And

WPS No. 1785 Of 2017

- Shankar Lal Kaushik S/o Late Shri Nemul Lal Kaushik, Aged About 59 Years Posted As Field Assistant, Chhattisgarh Marketing Federation At Basana, District Mahasamund (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Mantralaya Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Managing Director, Chhattisgarh State Marketing Federation- 880, Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)
3. Secretary, Chhattisgarh State Marketing Federation- 880, Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)
4. Manager (Establishment), Chhattisgarh State Marketing Federation- 880, Civil Lines, Head Office, Raipur, District Raipur (Chhattisgarh)

---- Respondent

For Petitioners	:	Shri VR Tiwari, Advocate
For Respondents-State	:	Shri Arvind Dubey and Ms. Sunita Jain, Panel Lawyers for the State
For Respondent Federation	:	Shri Mayank Chandrakar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

17/04/2017

1. The challenge in this batch of writ petitions is to the order passed by the Managing Director, Chhattisgarh State Marketing Federation-880, by which the stoppage of two increments of the petitioners with cumulative effect has been ordered. In addition there was also an order of recovery of amount made against the loss sustained by the respondent Federation.
2. At this juncture it has been informed that against the impugned order, the petitioners have preferred an appeal before the Managing Director who is appellate authority and the Managing Director in turn has seized of the appeal.
3. The limited contention of the petitioners is that though the appeal has been seized by the Managing Director and it is in the process of being heard, the Respondent Authorities have initiated steps for recovering the amount of loss which has been alleged to have been caused at the hands of the petitioners.
4. Learned Counsel for the petitioners submits that while appeal is pending, the Respondent authorities ought not to have taken steps for recovery. At least they should have waited till the appeal is finally decided. The appellate authority would have to consider the entire facts and submission in the appeal and then would reach to a conclusion whether the order of punishment is justified or not. Only then the Respondent authorities should

have proceeded further with the recovery.

5. The said submission of the petitioners seems to be a fair and reasonable proposal. Once when there is an order of punishment having been passed which is appealable and an appeal also having been preferred, in the opinion of this Court, there is no reason why the Respondent-Authorities should immediately act on the order of punishment. Once the appeal has been indisputably seized by the Appellate Authority, the Appellate Authority is obliged to decide the appeal within the stipulated or within a reasonable period. If it has not decided within the stipulated period and at the same time insists on the recovery of the alleged amount of damage from the petitioners, then the very purpose of filing an appeal gets frustrated.
6. In view of the same, ends of justice would meet if the writ petitions are disposed of with a direction to the Appellate Authority / Respondent No.2 to take a decision on the appeal of the petitioners, which is pending before him preferably within a period of 3 months from today. It is further ordered that till the Appellate Authority decides the appeal, the Respondent Authorities shall not act upon the impugned order so far as the recovery is concerned.
7. With the aforesaid observation, all the writ petitions stand disposed of.

Sd/-

Judge
Prashant Kumar Mishra

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