

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2026 of 2017

- Mithlesh Shrivastava, S/o Mohanlal Shrivastava, Aged About 55 Years, Posted as Area Assistant, under Chhattisgarh State Cooperative Marketing Federation Limited, Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Cooperative Societies, Mahanadi Bhawan, Mantralaya New Raipur, Post Office & Police Station Naya Raipur, District Raipur Chhattisgarh
2. Chhattisgarh State Cooperative Marketing Federation Limited, the Managing Director, Chhattisgarh, Chhattisgarh State Cooperative Marketing Federation Limited, 880, Civil Lines, Head Office, Raipur Chhattisgarh
3. The Secretary, Chhattisgarh State Cooperative Marketing Federation Limited, 880, Civil Lines, Head Office, Raipur Chhattisgarh
4. The Manager (Establishment), Chhattisgarh State Cooperative Marketing Federation Limited, 880, Civil Lines Head Office, Raipur Chhattisgarh

---- Respondents

And

WPS No. 2030 Of 2017

- Mithlesh Shrivastava S/o Mohanlal Shrivastava, Aged About 55 Years Posted As Area Assistant Under Chhattisgarh State Cooperative Marketing Federation Limited Rajnandgaon Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies Mahanadi Bhawan, Mantralaya New Raipur, Post Office & Police Station Naya Raipur, District Raipur Chhattisgarh

2. Chhattisgarh State Cooperative Marketing Federation Limited,
The Managing Director, Chhattisgarh, Chhattisgarh State
Cooperative Marketing Federation Limited, 880 Civil Lines Head
Office, Raipur Chhattisgarh
3. The Secretary, Chhattisgarh State Cooperative Marketing
Federation Limited, 880 Civil Lines, Head Office, Raipur
Chhattisgarh
4. The Manager (Establishment) Chhattisgarh State Cooperative
Marketing Federation Limited, 880, Civil Lines, Head Office,
Raipur Chhattisgarh

---- Respondent

And

WPS No. 2031 Of 2017

- Akkharam Dewangan S/o Late Shri Rupnath Dewangan, Aged
About 56 Years, Posted as Area Assistant, At Present Incharge,
Paddy Collection Centre, Bandha Bazar, Chhattisgarh State
Cooperative Marketing Federation Limited Rajnandgaon
Chhattisgarh

---- Petitioner

Vs

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

---- Respondents

And

WPS No. 2029 Of 2017

- Prakash Sharma S/o Late Vishnu Prasad Sharma, Aged About

57 Years, Posted as Area Assistant, under Chhattisgarh State Cooperative Marketing Federation Limited, Rajnandgaon, Chhattisgarh

---- Petitioner

Vs

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

---- Respondent

For Petitioners	Shri V. R. Tiwari, Advocate
For Respondent-State	Ms. K. T. Rao, PL
For Respondent-Federation	Shri P. N. Bharat, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

28/04/2017

1. The challenge in this batch of writ petitions is to the order passed by the Managing Director, Chhattisgarh State Marketing Federation, by which penalty of 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 it 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, the writ petitions stand disposed of.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala