

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1762 of 2017

- Nehru Das Padwar S/o Late Shree Mahettar Das Padwar, Aged About 55 Years, Posted as Field Assistant, Chhattisgarh Marketing Federation, at Kasdol, District Raipur (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).

---- Respondents

And

WPS No. 1768 Of 2017

- Dhruv Kumar Yadav S/o Late Shri Prannath Yadav, Aged About 60 Years, Posted As Field Assistant, Chhattisgarh Marketing Federation at Moyana, District Dhamtari (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. 1767 Of 2017

- Nehru Das Padwar S/o Late Shree Mahettar Das Padwar, Aged About 55 Years, Posted As Field Assistant, Chhattisgarh Marketing Federation At Kasdol, District Raipur (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)

---- Respondents

And

WPS No. 1769 Of 2017

- Uttam Kumar Chandra S/o Late Shri Omkar Lal Chandra Aged About 35 Years Posted As Field Assistant, Chhattisgarh Marketing Federation at District Raigarh (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)

---- Respondents

For Petitioners	Shri V. R. Tiwari, Advocate
For Respondent-State	Shri Shashank Thakur, GA
For Respondent-Federation	Shri Mayank Chandrakar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

13/04/2017

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

Nirala