

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1949 of 2017**

- Krishna Pratap Singh Thakur S/o Late Shri Goverdhan Singh Thakur, Aged About 54 Years R/o Deendayal Colony, Near Kosha Office, Raigarh, District Raigarh (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, District 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, District Raipur (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Rajendra Tripathi, Advocate on behalf of Shri VR Tiwari, Advocate
For Respondents-State	:	Ms. K. Tripti Rao, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****26/04/2017**

1. The challenge in this writ petition is to the order passed by the Managing Director, Chhattisgarh State Marketing Federation, by which there was 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

petitioner has 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 petitioner 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 petitioner.
4. Learned Counsel for the petitioner 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 petitioner 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 petitioner, then the very purpose of filing an appeal gets frustrated.
6. In view of the same, ends of justice would meet if the writ petition is disposed of with a direction to the Appellate Authority / Respondent No.2 to take a decision on the appeal of the petitioner, 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, the writ petitions stands disposed of.

Sd/-

Judge
Prashant Kumar Mishra

Ashu