

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.19407 of 2018

Date of Decision:-27.08.2018

Leela Ram.

.....Petitioner.

Versus

**The Punjab State Cooperative Supply & Marketing Federation Ltd.
'MARKFED' & Anr.**

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Shiv Kumar, Advocate for the Petitioner.

Mr. Vikas Singh, Advocate and
Mr. Vinod Sharma, Senior Panel Counsel for
respondents.

JASWANT SINGH, J.(ORAL)

Petitioner is serving as a Salesman with the MARKFED Branch
Baghapurana, District Moga.

His grievance is that the respondents are deducting 40% of the
monthly salary towards recovery of embezzled amount pursuant to the
punishment orders, which as per the petitioner stands set aside in appeal.

On the previous date of hearing i.e. on 06.08.2018 following
order was passed.:-

“ *It is contended that the petitioner was exonerated of the
allegations of embezzlement of funds on account of shortage of
stocks of paddy by the Inquiry Officer. However, the punishment*

order of stoppage of two increments with cumulative effect plus recovery of the embezzlement amount was ordered. The Appellate Authority vide order dated 24.02.2016 set aside the punishment order dated 15.06.2015 while remanding the case back to the punishing authority for passing of fresh order. It is urged that without there being any fresh punishment order, the respondent-MARKFED has proceeded to recover the alleged amount from the salary of the petitioner.

Notice of motion.

On the asking of the Court, Mr. Vinod Sharma, Senior Panel Counsel accepts notice on behalf of respondents.

Adjourned to 27.08 .2018.

Let Managing Director, MARKFED files his affidavit disclosing the powers under which the recoveries could be effected in the absence of any punishment orders or findings against the petitioner.

In case the required affidavit is not filed, the Managing Director, MARKFED shall be personally present in Court.

To be shown in the urgent list.

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At the time of hearing today Mr. Vikas Singh Advocate and Mr. Vinod Sharma, Sr. Panel Counsel for the respondents have filed reply in the shape of affidavit dated 26.08.2018 of Mr. Varun Roozam, MD (MARKFED).

In the reply it is asserted that the recoveries have been made in compliance of the separate punishment order dated 27.01.2016 as upheld by the learned Appellate Authority vide order dated 3.7.2018.

Counsel states that in case any document shows that a

deduction has been made in compliance of the punishment order dated

15.06.2015, which stands set aside, shall be adjusted and deemed to have been made in compliance of the order dated 27.01.2016.

In view of the above, no further adjudication is required and accordingly the present writ petition is hereby dismissed.

(JASWANT SINGH)
JUDGE

August 27, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>