

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

CWP No.8535 of 2018

Date of Decision:-06.04.2018

Amar Singh & Anr.

.....Petitioners.

Versus

The Punjab State Supply and Marketing Federation Limited & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Ms. Jagdeep Bains, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Two petitioners are working as Salesman with MARKFED. They were issued a common chargesheet whereby the allegation was of non performance of duties resulting into embezzlement of Paddy by the Miller for an amount of Rs.1,24,39,885/-. The inquiry officer vide its report dated 15.7.2016 (P-1) exonerated the petitioners of the charge of embezzlement, however, held them to be negligent in performing their duties. The disciplinary/appointing Authority based on the dissenting note has proceeded to inflict the punishment of stoppage of two increments along with conditional order of recovery of the aforesaid amount in case of non payment by the miller. The petitioners are stated to have filed their statutory appeals before the Appellate Authority-respondent no.2 along with applications for stay of impugned orders in *toto*, or in the alternative praying for stay of recovery of the embezzled amount from them.

It is submitted that for recovery of the alleged loss, the MARKFED has already invoked Arbitration proceedings against the Rice Miller, and on the mere finding of negligence, the recoveries of huge amounts be not effected during the pendency of their appeal. Petitioners believe that the department are in the process of start making the recoveries from their salaries.

After hearing learned Counsel for the petitioners, present writ petition is disposed of with direction that till the Appellate Authority finally decides the issue in appeal, no steps be taken to make recoveries of the alleged embezzled amount from the salaries of the petitioners.

Disposed of in the above terms.

(JASWANT SINGH)
JUDGE

April 06, 2018
Vinay

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