

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 1647 OF 2019**

Smt. Uttara Devi Kashyap wife of late Pannalal Kashyap, aged about 55 years, R/o Block Colony, Ward No.4, Kasdol, District Baloda Bazar (CG).

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies Mahanadi Bhawan, Mantralaya, New Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh State Cooperative Marketing Federation Limited The Managing Director, Chhattisgarh, Chhattisgarh State Cooperative Marketing Federation Limited, Sixth Floor, Tower, C Commercial Complex, C.B.D. Sector 21, Atal Nagar, District Raipur Chhattisgarh.
3. The Secretary Chhattisgarh State Cooperative Marketing Federation Limited, Sixth Floor, Tower C, Commercial Complex, C.B.D. Sector, 21, Atal Nagar, District Raipur Chhattisgarh.
4. The Manger (Establishment), Chhattisgarh State Cooperative Marketing Federation Limited, Sixth Floor, Tower C, Commercial Complex, C.B.D. Sector, 21, Atal Nagar, District Raipur Chhattisgarh.
5. The District Manager, Chhattisgarh Chhattisgarh State Cooperative Marketing Federation Limited, Baloda Bazar, District Baloda Bazar Chhattisgarh.
6. The Sr. Accountant Officer Chhattisgarh, Chhattisgarh State Cooperative Marketing Federation Limited, Sixth Floor, Tower C, Commercial Complex, C.B.D. Sector, 21, Atal Nagar, District Raipur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Vivek Ranjan Tiwari, Advocate.
For Respondents-State	:	Ms. Sunita Jain, Govt. Advocate.
For Respondents 2 to 6	:	Shri Prafull Bharat and Shri Keshav Dewangan, Advocates.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11.03.2019.

1. The present writ petition has been filed by the widow of the deceased late Pannalal Kashyap.
2. The challenge in the present Writ Petition is the order dated 22.04.2017.
Vide the impugned order, the respondent No.3 had imposed a punishment

of stoppage of two annual increments with cumulative effect and have also ordered for recovery of loss which has been caused to the respondents.

3. The counsel for the petitioner submits that the said order of punishment infact has been served upon the petitioner much after the death of the deceased employee only in the year, 2018 whereas, the employee had died in harness on 04.08.2017. The petitioner further submits that she has also preferred an appeal against the said impugned order before the appellate authority and the said appeal is pending consideration and meanwhile the respondents be restrained from acting upon the impugned order of punishment. The petitioner further submits that other appeals also of identical nature filed by the employees who are still in employment against whom also similar punishment have been imposed are pending consideration.
4. The said submission of the Petitioner seems to be a fair proposal. Once when there is an order of punishment having been passed and which is appealable. An appeal having preferred then in the opinion of this Court there is no reason why the Respondents authorities to immediately act on the order of punishment. Once when the appeal has been indisputably seized by the Appellate Authority the Appellate Authority is obliged to decide the appeal within a stipulated or a reasonable period. If he has not decided within the stipulated period and at the same time initiating to recover the alleged amount of damage from the Petitioner, then the very purpose of filing an appeal gets frustrated.
5. In view of the same ends of justice would meet if the present Petition is disposed of with a direction to the Appellate Authority / Respondent No.2 to take 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.

6. With the aforesaid observation the present Writ Petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge