

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5425 of 2019

Kalika Prasad Tiwari, S/o Late Shri Mathura Prasad Tiwari Aged About 61 Years Working As Senior Assistant, Paddy Procurement Center, Urga, District- Korba, Chhattisgarh.

---- Petitioner

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 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 Manager (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 State Cooperative Marketing Federation Limited, District- Korba, Chhattisgarh
6. The Senior Account Officer Chhattisgarh, Chhattisgarh State Cooperative Marketing Federation Limited, Sixth Floor, Tower- C, Commercial Complex, C.B.D. Sector- 21, Atal Nagar, District- Raipur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. V.R. Tiwari, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.
For respective Respondents	:	Mr. Harshwardhan Pargania, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29/07/2019

1. The learned counsel for the petitioner submits that against the shortage of recovery, a charge-sheet was issued and a recovery proceeding in the department imposed upon the petitioner, against which the petitioner preferred an appeal and the appeal is pending before the authority of respondent No. 2. It is contended that during the pendency of the appeal,

the coercive process of recovery has been started, therefore the petitioners submits that without deciding the appeal, the recovery is made and as such the appeal would become infructuous and may lead to multiplicity of the proceedings.

2. Considering the fact that against the recovery the appeal has already been preferred. The Appellate Authority i.e. the respondent No.2 is directed to decide the appeal within a further period of 4 months and in the process, it is directed till the appeal is decided no coercive process for this recovery may be made against the petitioner.
3. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Ved