

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CIVIL WRIT PETITION NO.845 OF 2019

DATE OF DECISION: JANUARY 15, 2019

Jaswinder Singh and anotherPetitioners

Versus

The Punjab State Cooperative Supply and another
.....Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Shiv Kumar, Advocate for the petitioners.

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TEJINDER SINGH DHINDSA, J.

The petitioners herein were working on the posts of Salesman and Field Officer, respectively, with Markfed. On conclusion of common disciplinary proceedings, a minor penalty of recovery of Rs.3,17,000/- approximately (50% each) was imposed upon them by the disciplinary/appointing authority vide order dated 30.7.2018. Both the petitioners are stated to have filed statutory appeals along with the applications seeking stay of recovery.

Grievance of the petitioners in the instant petition is that the applications for stay have not been taken for hearing by the Appellate Authority and the Department is proceeding to effect proportionate recoveries from the monthly salary of the petitioners at the rate of 60%.

The short prayer made in the instant petition is for

issuance of directions to the authorities concerned/Appellate Authority to hear and decide the statutory appeals preferred by both the petitioners including the applications for stay that had been filed along with the appeals.

Without ascertaining the correctness of the averments made in the petition and without even going into the merits of the case, I deem it appropriate to dispose of the instant writ petition with a direction to the Appellate Authority/respondent No.1 to take a final decision on the statutory appeals preferred by the petitioners within a period of six months from the date of receipt of a certified copy of this order. Further directed that no recoveries from the salary of the petitioners shall be effected till the final decision is taken by the Appellate Authority. Recovery, if any already effected, shall be refunded to the petitioners forthwith.

Such directions are being issued in view of the fact that under identical circumstances, a Co-ordinate Bench of this Court had issued the same directions while disposing of Civil Writ Petition No.12307 of 2018 titled as "Anil Kumar and another v. Markfed" decided on 23.5.2018.

Writ petition is disposed of.

JANUARY 15, 2019
SRM

(TEJINDER SINGH DHINDSA)
JUDGE

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