

**139 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 3443 of 2019

Date of decision : 07.02.2019

Raman Kant

..... Petitioner

versus

**The Punjab State Co-operative Supply
and Marketing Federation Ltd. and another**

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Shiv Kumar, Advocate
for Mr. Lovedev Singh, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner is serving on the post of Field Officer with MARKFED. On completion of disciplinary proceedings, a minor penalty of recovery of Rs. 3.38 lakhs approximately was imposed by the Disciplinary Authority vide order dated 13.07.2018 (Annexure P-3). Petitioner is stated to have filed a statutory appeal along with an application seeking stay of recovery.

Grievance of the petitioner is that the application for stay has not been taken up for hearing by the Appellate Authority and the department is proceeding to effect proportionate recovery from the monthly salary of the petitioner. Counsel informs that a recovery of Rs. 1,25,000/- approximately has already been effected.

The short prayer made in the instant petition is for issuance of directions to the Appellate Authority to hear and decide the statutory appeal

as also the application for stay that had been filed along with the appeal.

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 writ petition with a direction to the Appellate Authority/respondent No.1 to take a final decision on the statutory appeal preferred by the petitioner within a period of four months from the date of receipt of a certified copy of this order. It is further directed that no recovery from the salary of the petitioner would be effected till the final decision is taken by the Appellate Authority. Recovery, if any, already effected, be refunded to the petitioner 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 the CWP No.12307 of 2018 titled as Anil Kumar and another v. The Punjab State Cooperative Supply & Marketing Federation Ltd., MARKFED and another decided on 23.05.2018.

Writ petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.02.2019
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No