

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

CWP No.5050 of 2019
Date of decision:-26.02.2019

Jasvir Singh and another

.....Petitioners

versus

The Punjab State Cooperative Supply & Marketing Federation Ltd. And
another

.....Respondents

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

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

TEJINDER SINGH DHINDSA, J.(ORAL)

Both the petitioners herein are serving as Salesmen under the Punjab State Cooperative Supply and Marketing Federation Limited (Markfed). On conclusion of disciplinary proceedings, an order dated 20.04.2018 (Annexure P-3) was passed by the Additional Managing Director(G) Markfed and whereby punishment of stoppage of two annual grade increments with cumulative effect was imposed upon the petitioners.

That apart recovery in equal proportion of an amount of Rs.1,09,26,593/- i.e. the loss assessed was directed against the petitioners. Both the petitioners are stated to have filed statutory appeals alongwith the application 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. Counsel submits that as of date a recovery of Rs.2,04,000/- approximately stands effected from

petitioner No.1 and Rs.2,09,000/- from petitioner No.2.

The short prayer made in the instant petition is for issuance of directions to the 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 expressing any opinion on 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. The amount already recovered 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 23.05.2018.**

Writ petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

26.02.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No