

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 12926 of 2019
Date of Decision : 16.05.2019

Tirath Ram

...Petitioner

Versus

The Punjab State Cooperative Supply & Marketing Federation Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Sharma, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance of the petitioner is that an amount of ₹5,63,517/- out of the total amount of ₹6,42,906/- was deducted from the salary of the petitioner in an arbitrary manner. For recovery of the remaining amount, the respondent-MARKFED approached the Arbitrator under Punjab Cooperative Societies Act, 1961. The said action of the respondent-MARKFED was not accepted by the Arbitrator and the claim was rejected on 30.07.2012 (Annexure P-2).

Learned counsel for the petitioner argues that against the said order, an appeal was preferred under Section 68 of the Punjab Cooperative Societies Act, 1961 by the respondent-MARKFED. As the appeal was not being decided, petitioner approached this Court by filing CWP No. 4659 of 2016 for deciding the appeal in a time bound manner. This Court disposed of the aforesaid writ petition on 21.03.2018 (Annexure P-4) asking the authority to pass the appropriate orders on the said appeal.

Keeping in view the directions given by this Court in CWP No.

4659 of 2016, decided on 21.03.2018, the appeal preferred by the MARKFED was dismissed on 10.07.2018 (Annexure P-5).

Learned counsel for the petitioner further argues that once the recovery has been held to be bad, petitioner is entitled for the refund of the amount of ₹5,63,517/- as well, which was recovered from his salary. Learned counsel for the petitioner prays that for the relief, which has been claimed in the present writ petition, the petitioner has made representation dated 11.11.2018 (Annexure P-6) to the Managing Director, MARKFED Punjab, Chandigarh and the petitioner will be satisfied, at this stage, in case a time bound direction is given to the respondents to decide the representation by passing a speaking order.

Keeping in view the advance notice given, Mr. Pawan Kumar, Advocate appears on behalf of the respondent and states that he has no objection in case prayer of the petitioner for deciding his representation in a time bound manner is accepted.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the claim prayed in the present writ petition or in the representation, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioner in the representation dated 11.11.2018 (Annexure P-6) within a period of three months from the date of receipt of certified copy of this order.

The writ petition stands disposed of.

May 16, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes*
Whether reportable? *No*