

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

CWP No. 26467 of 2019

Date of Decision:18.09.2019

Kulwinder Singh

.....Petitioner

Versus

Board of Directors, The Punjab State Cooperative Supply & Marketing
Federation Ltd. and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

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

TEJINDER SINGH DHINDSA J.(Oral)

Petitioner who was serving on the post of Salesman under MARKFED was proceeded against departmentally and vide order dated 14.01.2016 issued by the Additional Managing Director in the capacity of punishing authority imposed a punishment of reduction to the minimum of the pay scale as also recovery of an amount of Rs.1,55,29,177/-. Petitioner having preferred an appeal, the Managing Director set aside the order of punishment and remanded the case back to the punishing authority. A fresh order was passed on 10.01.2017 by the Additional Managing Director, imposing recovery of Rs.1,55,29,777/-. Petitioner having preferred an appeal, the Appellate Authority i.e.Managing Director vide order dated 04.07.2018 dismissed the appeal.

Petitioner submits that a revision petition thereafter has been preferred before the Board of Directors, MARKFED dated 18.08.2018 (Annexure P-4) but the same is still pending consideration and no final decision thereupon has been taken.

Counsel confines the scope of the instant writ petition as regards

issuance of directions to the Revisional Authority to take a final decision on the revision petition.

In the considered view of this Court, the prayer made by counsel is just and reasonable.

It may be noticed that the revision petition that the petitioner had preferred against the order of the Appellate Authority was towards availing of his statutory remedy of a revision as per amended rule 14-d of the Punjab State Co-operative Supply and Marketing Federation Employees Common Cadre Punishment and Appeal Rules 1990. As per averments made in the petition the Revisional Authority on the one hand is not taking a final decision in the matter and on the other hand the order of punishment is being implemented by making the recovery each month from the salary of the petitioner.

In view of the above and without opining on the merits of the case, the instant writ petition is disposed of with a direction to the Revisional Authority i.e. respondent No.1 to proceed further in the matter and to take a final decision on the revision petition dated 18.08.2018 (Annexure P-4) in accordance with law. A final decision be taken expeditiously and in any case within a period of three months from the date of receipt of the certified copy of this order. Further recovery from the petitioner shall remain stayed and would be subject to the final order that may be passed by the Revisional Authority.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

September 18, 2019

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No