

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

CWP No.35889 of 2019 (O&M)

Date of Decision:11.12.2019

Anil Kumar and another

.....Petitioners

Versus

Board of Directors, The Punjab State Co-operative Supply and Marketing
Federation Ltd. and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

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

TEJINDER SINGH DHINDSA J.(Oral)

Petitioners while serving on the post of Salesmen under MARKFED were proceeded against departmentally and vide order dated 28.03.2018 (Annexure P-2) a punishment of recovery of Rs.40,60,182/- jointly against the petitioners was imposed.

Petitioners preferred an appeal and the Appellate Authority vide order dated 19.11.2018 (Annexure P-3) dismissed the appeal.

Counsel submits that a revision petition under Rule 14 (d) of the Punjab State Cooperative Supply and Marketing Federation Employees (Punishment and Appeal) Rules 1990 (hereinafter to be referred to Punishment and Appeal Rules) was preferred before the Board of Directors, MARKFED on 02.01.2019 (Annexure P-4) but the same is still pending consideration and no final decision has been taken thereupon.

Counsel confines the scope of the instant petition as regard 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 found to be just and reasonable.

It may be noticed that the revision petition that had been preferred by the petitioners against the order of the Appellate Authority was towards availing of a statutory remedy under the Punishment and Appeal Rules. As per the submissions 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 of recovery is being implemented by way of deduction of certain amounts each month from the salary of the petitioners.

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 02.01.2019 (Annexure P-4) in accordance with law. Let the final decision be taken expeditiously and in any case within a period of three months from the date of receipt of certified copy of this order.

Further recovery from the petitioners shall remain stayed and would be subject to the final order that may be passed by the Revisional Authority.

Writ petition stands disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

December 11, 2019

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