

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

**CWP-1117-2020 (O&M)
Date of Decision: 16.01.2020**

Sukhwinder Sharma

... Petitioner

Versus

The Smaller Committee/Board of Directors, MARKFED & others

... Respondents

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

Present:- Mr. Tahaf Bains, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

Pleadings on record would indicate that the petitioner while serving on the post of Field Officer under the Punjab State Cooperative Supply and Marketing Federation Limited (MARKFED) was imposed the penalty of stoppage of one annual grade increment without cumulative effect. In addition thereto, the petitioner along with 2 other officials were held responsible for causing loss of Rs.7,84,949/- and as such recovery in equal proportions along with interest was directed. Such penalty was imposed in terms of order dated 13.07.2018 passed by the Additional Managing Director (G) MARKFED (Annexure P-4). Petitioner preferred an appeal and which was dealt with vide order dated 29.04.2019 passed by the Managing Director/Appellate Authority at Annexure P-5. Vide this order, the order of punishment was modified to the extent that the loss apportioned at Rs.7,84,949/- was now liable to be shared between the petitioner and one of the co-employee, namely, Sube Khan. In other words, the recovery amount stood enhanced in terms of order passed by the Appellate Authority.

The short grievance raised in the instant petition is that a revision petition dated 24.05.2019 (Annexure P-7) preferred by the petitioner as also an

application for stay are still pending and no final decision has been taken thereupon.

Directions are sought to the Revisional Authority to decide the revision petition as also the application for stay expeditiously.

Since it is the contention raised by counsel that a revision petition is maintainable under amended Rule 14 of the MARKFED Common Cadre Punishment and Appeal Rules, 1990 against the orders passed by the Appellate Authority, it would be imperative for the Revisional Authority to take a decision thereupon as also to pass orders on the application seeking stay. Pendency of proceedings before the Revisional Authority on the one hand and bringing into operation the order of punishment and thereby affecting recovery would be to the clear prejudice of the employee.

In view of the above and without going into the merits of the case, this Court deems it appropriate to dispose of the instant writ petition with a direction to respondent No.1/Revisional Authority to take a final decision on the revision petition dated 24.05.2019 (Annexure P-7) as also on the stay application dated 18.06.2019 (Annexure P-8) expeditiously and in any case within a period of 3 months from the date of receipt of a certified copy of this order.

Further recovery from the salary of the petitioner shall remain stayed and would be subject to the order that may be passed by the Revisional Authority on the stay application dated 18.06.2019 (Annexure P-8).

Disposed of.

16.01.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |