

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

**CWP No.1677 of 2020 (O&M)
Date of Decision:22.01.2020**

Raj Kumar and another

.....Petitioners

Versus

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

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. H.S. Bedi, Advocate for the petitioners.

TEJINDER SINGH DHINDSA J.(Oral)

Petitioners herein were working on the post of Field Officer and Salesman respectively with Markfed. On conclusion of common disciplinary proceedings penalty of stoppage of three annual grade increments with cumulative effect besides recovery of 50% of the total loss assessed i.e. Rs.2,39,84,819/- was imposed upon petitioner No.1. Insofar as the petitioner No.2 is concerned since he had already superannuated he was awarded punishment of being brought down by three stages in his time scale of pay at the time of retirement for calculating his retiral dues and also imposed the balance 50% recovery from his retiral dues. It was a joint punishment order passed by the Chief Manager (Personnel) Markfed dated 02.05.2019 at Annexure P-4. Both the petitioners are stated to have preferred a common statutory appeal dated 29.05.2019 under Rule 14 (6) of the Punjab State Cooperative Supply & Marketing Federation Employees (Punishment & Appeals) Rules 1990.

Grievance of the petitioners in the instant petition is that the

applications for stay alongwith the appeal have not been taken up for hearing by the Appellate Authority and the department is proceeding to effect proportionate recoveries from the monthly salary of petitioner No.1 and as regard petitioner No.2 arbitral proceedings have been initiated.

The short prayer made in the instant petition is for issuance of directions to the authority concerned/Appellate Authority to hear and decide the statutory appeals preferred by both the petitioners including the applications for stay that had been filed alongwith the appeal.

Without ascertaining the correctness of the averments made in the petition and without even going into 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 appeal preferred by both the petitioners within a period of six months from the date of receipt of a certified copy of this order.

Further directed that no recovery from the salary of petitioner No.1 shall be effected till the final decision is taken by the Appellate Authority. Further observed that the arbitral proceedings initiated would be subject to the outcome of the final order that may be passed by the Appellate Authority.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

January 22, 2020

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No