

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

**CWP No.2311 of 2020 (O&M)  
Date of Decision:29.01.2020**

Surmukh Singh

.....Petitioner

Versus

.....Respondents

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

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

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

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**TEJINDER SINGH DHINDSA J.(Oral)**

Petitioner who is serving on the post of Helper (Electrical) under the Punjab State Cooperative Supply & Marketing Federation Limited (Markfed) was proceeded against in disciplinary proceedings and which culminated for the passing of an order dated 28.11.2019 (Annexure P-3) passed by the Chief Manager (Personnel) Markfed, imposing upon him the penalty of stoppage of two annual grade increments with cumulative effect besides recovery of 50% of his share of the loss determined during the course of enquiry i.e. Rs.1,67,89,329/-.

Petitioner is stated to have filed a statutory appeal dated 23.12.2019 (Annexure P-4) against the order of penalty. In the appeal itself a prayer for staying the recovery is also made.

Grievance of the petitioner is that the appeal as also prayer for stay has not been taken up for consideration by the Appellate Authority and the respondent-federation is proceeding to effect recovery from the

monthly salary of the petitioner.

The short prayer made in the instant petition is for issuance of directions to the Appellate Authority to hear and decide the statutory appeal preferred by the petitioner.

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

Petitioner in terms of filing of appeal dated 23.12.2019 (Annexure P-4) has availed of his statutory remedy. It would certainly not be open for the respondent-federation to keep the appeal pending on the one hand and on the other hand implement the order of punishment and which would entail adverse civil consequences.

Without going into the merits of the case, instant writ petition is disposed of with a direction to the Appellant Authority i.e. respondent No.1 to take a final decision on the appeal dated 23.12.2019 (Annexure P-4) expeditiously and in any case within a period of three months from the date of receipt of certified copy of this order. Affording an opportunity of personal hearing to the petitioner prior to taking a final decision would be appreciated.

Further recovery from the petitioner shall stand stayed and would be subject to the final order to be passed by the Appellate Authority.

Disposed of.

(TEJINDER SINGH DHINDSA)  
JUDGE

January 29, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No