

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-3514-2020 (O&M)
Date of Decision: 10.02.2020

Palwinder Singh

--Petitioner

Versus

The Punjab State Cooperative Supply and Marketing
Federation Ltd. & others

--Respondents

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

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

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner herein was working on the post of Salesman with Markfed. On conclusion of disciplinary proceedings, a major penalty of stoppage of two annual grade increments with cumulative effect as also recovery of Rs.15,66,415/- was imposed upon the petitioner vide order carrying endorsement dated 17.5.2018 passed by the Managing Director, Markfed (Annexure P-2). Petitioner is stated to have filed a statutory appeal along with application seeking stay of recovery.

Grievance of the petitioner in the instant petition is that neither the application for stay nor the appeal has been taken up for hearing by the Appellate Authority and the department is proceeding to effect proportionate recovery from the monthly salary of the petitioner.

The short prayer made is for issuance of directions to the authority concerned/Appellate Authority to hear and decide the appeal as also the application for stay.

The prayer raised in the petition is found to be just and reasonable.

The appeal preferred by the petitioner is towards exhausting a statutory remedy available to him. It would certainly not be open for the Appellate Authority on the one hand to sit over the matter and not to take a decision on the appeal and on the other hand to implement the order of penalty/recovery.

In view of the above and without even ascertaining the correctness of the averments made in the petition, I deem it appropriate to dispose of the same with a direction to respondent no.2/Appellate Authority to take a final decision on the statutory appeal/application for stay (Annexures P-3 and P-4) expeditiously and in any case within a period of four 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 final order that is to be passed by the Appellate Authority.

Petition is disposed of.

It is, however, clarified that this Court has not examined the order of penalty on merits.

(TEJINDER SINGH DHINDSA)
JUDGE

10.02.2020
lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No