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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.12438 of 2020 (O&M)

Date of decision: 21.08.2020

Raj Kumar an another

....Petitioners

Versus

Punjab State Cooperative Supply And Marketing Federation Ltd. and
another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amit Sharma, Advocate
for the petitioners.

ARVIND SINGH SANGWAN J. (Oral)

Counsel for the petitioners has relied upon the order dated 22.05.2020 vide which in similar situated circumstances, a direction was issued to the respondent – Federation to decide the appeal. The operative part of the said order dated 22.05.2020 passed by this Court in CWP No.7407 of 2020, reads as follows:-

“The petitioner No. 1 is serving as Field Officer and is presently posted at Lambi, District Muktsar Sahib and petitioner No.2 is serving as Electrical Helper and is posted at Malout, Shri Muktsar Sahib under the Punjab State Cooperative Supply and Marketing Federation Limited (Markfed). On conclusion of disciplinary proceedings, an order dated 30.01.2020 (Annexure P-3) was passed by the Additional Managing Director(G) Markfed whereby punishment of stoppage of two annual grade increments with cumulative effect was imposed upon the petitioners. That apart recovery in equal proportion of an amount of Rs.1,80,81,369/- i.e. the loss assessed was directed against the petitioners. Both the petitioners are stated to have filed statutory appeals alongwith the application seeking stay of recovery. Grievance of the petitioners in the instant petition is that the applications

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for stay have not been taken for hearing by the Appellate Authority and the Department is proceeding to effect proportionate recoveries from the monthly salary of the petitioners.

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

Without ascertaining the correctness of the averments made in the petition and without expressing any opinion on 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 appeals preferred by the petitioners within a period of six months from the date of receipt of a certified copy of this order. Further directed that no recoveries from the salary of the petitioners shall be effected till the final decision is taken by the Appellate Authority. The amount already recovered (if any) shall be refunded to the petitioners forthwith. Such directions are being issued in view of the fact that under identical circumstances, a Co-ordinate Bench of this Court had issued the same directions while disposing of Civil Writ Petition No.12307 of 2018 titled as “Anil Kumar and another v. Markfed” decided on 23.05.2018 (Annexure P-7 colly).”

Counsel for the petitioners has argued that even in case of the petitioners, the appeal is pending before the Appellate Authority and without deciding the same, the amount is deducted from the salary of the petitioners. It is further submitted that, at this stage, the petitioners will be satisfied, if a direction be issued to the respondents to dispose of their appeals in a time bound manner.

Notice of motion.

On the asking of the Court Mr. Sumit Jain, Advocate, who is on the panel of MARKFED, accepts notice on behalf of respondents and has not raised any serious objection to the submissions made by

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counsel for the petitioners.

Accordingly, the present petition is disposed of with a direction to the Appellate Authority/respondent No.1 to take a final decision within a period of 06 months from the date of receipt of certified copy of this order in terms of the directions issued in CWP No.12307 of 2018 titled as '*Anil Kumar and another vs MARKFED.*'

Till then, no recovery from the salary of the petitioners be effected. The recovery, if already effected, shall be refunded to the petitioners forthwith.

It is made clear that in view of the COVID-19 situation, it will be open either to give a hearing through video conferencing or direct the parties to submit their written arguments.

(ARVIND SINGH SANGWAN)
JUDGE

21.08.2020

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No