

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

220

(1)

CWP-17730-2020

Gagandeep Singh & another

... Petitioners

Versus

Managing Director, The Punjab State Cooperative Supply & Marketing
Federation Ltd. Chandigarh & others

... Respondents

(2)

CWP-17733-2020

Sukhpreet Singh F.O.(P), Markfed

... Petitioner

Versus

Managing Director, The Punjab State Cooperative Supply & Marketing
Federation Ltd. Chandigarh & others

... Respondents

Decided on : 03.12.2020

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Shiv Kumar, Advocate, for the petitioners.

Mr.Abhishek Arora, Advocate, for the respondents.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawal, J. (Oral)

This judgment shall dispose of CWP-17730 & 17733-2020 as
common questions of law and facts are involved.

Prayer in the present writ petitions, filed under Articles 226/227 of
the Constitution of India, is for issuance of directions to respondent No.2 to hear
the statutory appeals along with their applications for stay. The stay is prayed on
the ground that in pursuance of the punishment orders, recovery has been
effected from the salary to the extent of 60%, leaving a paltry amount of
Rs.40,000/- as carry home and therefore, extreme hardship is being faced by the
petitioners.

On 28.10.2020, the following order was passed:

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

220

CWP-17730 & 17733-2020

-2-

“While referring to CWP-17730-2020, counsel contends that the statutory appeal against the order dated 30.06.2020 (Annexure P-3) has been filed on 31.08.2020 along with an application for stay (Annexure P-4 and P-5). It is submitted that as per the instructions dated 03.03.1997 (Annexure P-9) appeals have to be decided within a period of 3 months from the receipt of such appeal by way of passing a speaking order. Reference is made to the judgment dated 23.05.2006 of the Division Bench in CWP No.8601 of 2006 titled as **Amarjit Singh Vs. The Punjab State Cooperative Supply & Marketing Federation Ltd. and another** to contend that stay applications should be decided.

Notice of motion.

Mr. Abhishek, Advocate has put in appearance on behalf of the respondents and prays for time to seek instructions as to when the stay applications/appeals are to be heard by the appellate authority and also apprise this Court of the pendency of the exact number of appeals pending before the appellate authority.

To come up on 27.11.2020.

Notice regarding stay.

Photocopy of this order be placed on the file of other connected case.”

Mr.Arora, appearing for the respondents, submits that the appeals will be decided within a period of 3 months from the receipt of certified copy of this order.

Counsel for the petitioner(s) on the other hand has relied upon the similar orders passed by the Co-ordinate Benches, being CWP-5050-2019 titled *Jasvir Singh & another Vs. The Punjab State Cooperative Supply & Marketing Federation Ltd. Chandigarh & others*, decided on 26.02.2019, wherein same issue was involved. Effective part of the order reads as under:

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

220

CWP-17730 & 17733-2020

-3-

“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 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.**

Writ petition is disposed of.”

Accordingly, the present writ petitions are disposed of, in terms of

Jasvir Singh (supra).

DECEMBER 03, 2020

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No