

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

**112**

**CWP No.12121 of 2021**

**Date of Decision: 09.07.2021**

Raj Kumar and another

....Petitioners

**VERSUS**

State of Punjab and others

....Respondents

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

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

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**ALKA SARIN, J. (Oral)**

Heard through video conferencing.

The prayer in the present petition under Articles 226 and 227 of the Constitution of India is for issuance of a direction to respondent no.2 to hear and decide the revision petition dated 07.05.2021 (Annexure P-6) filed against order dated 30.01.2020 (Annexure P-3) passed by respondent no.4.

The petitioners herein are working on the posts of Salesmen/Field Officers with Markfed. The order of penalty for recovery of loss and withholding of two increments was passed against the petitioners. Both the petitioners filed their statutory appeal which was dismissed on 06.04.2021 and against which a revision petition has been preferred by the petitioners along with an application for stay.

The grievance of the petitioners in the present petition is that the application for stay has not been taken up for hearing by the revisional authority and the department is proceeding to effect recoveries from the monthly salaries of the petitioners. The limited prayer in the petition is for

issuance of a direction to the revisional authority i.e. respondent no.2 to hear and decide the stay application/revision petition preferred by the petitioners in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Nikhil Chopra, Addl. AG Punjab, who has joined the session through video conferencing, accepts notice on behalf of the respondent no.1 while Mr. Naresh Gopal Sharma, Advocate accepts notice on behalf of respondent nos.2 to 4.

I have heard learned counsel for the parties.

In view of the limited prayer made by learned counsel for the petitioners and without commenting on merits of the case, the present writ petition is disposed off with a direction to respondent no.2 - Revisional Authority - to take a decision on the stay application/revision petition preferred by the petitioners, in accordance with law, within a period of six months from the date of receipt of certified copy of this order. Till such time the application for stay or the revision petition of the petitioners is not decided, the recovery of the amount from the salaries of the petitioners shall not be effected. If any recovery has already been effected, the same shall be liable to be refunded to the petitioners along with interest in case their revision petition is decided in favour of the petitioners.

Disposed off.

**( ALKA SARIN )**  
**JUDGE**

**9<sup>th</sup> July, 2021**  
**jk**