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**(2020) 02 P&H CK 0073**

**In the Punjab And Haryana At Chandigarh**

**Case No : Civil Writ Petition No. 3514 Of 2020 (O&M)**

Palwinder Singh

APPELLANT

Vs

Punjab State Cooperative Supply And Marketing Federation  
Ltd. And Others

RESPONDENT

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**Date of Decision : 10-02-2020**

**Acts Referred:**

**Citation : (2020) 02 P&H CK 0073**

**Hon'ble Judges : Tejinder Singh Dhindsa, J**

**Bench : Single Bench**

**Advocate : Amit Sharma**

**Final Decision : Disposed Of**

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## **Judgement**

Tejinder Singh Dhindsa, J

1. 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.

2. 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.

3. 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.

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

5. 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.

6. 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.

7. 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.

8. Petition is disposed of.

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