

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 12899 of 1994

DATE OF DECISION : April 23, 2015

Gurjant Singh & ors.

..... PETITIONER(S)

VERSUS

**The Punjab State Cooperative Milk Producers Federation Limited
(MILKFED) & anr.**

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Shri T.S. Sidhu, Advocates, for the petitioners.
Mr. D.S. Patwalia, Sr. Advocate with Mr. B.S. Patwalia,
Advocate, for the respondents.

...

1. Whether Reporters of local newspapers may be
allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES/NO

3. Whether the judgment should be reported in the
digest? YES/NO

...

ARUN PALLI, J. (Oral)

A writ in the nature of certiorari is prayed for, so as to
quash the order dated 22.02.1994 (Annexure P-3), vide which the
loss that was alleged to have been caused on account of
negligence of the petitioners i.e. Fat Loss, SNF Loss, was sought
to be made good by effecting recovery. Records show that vide

order dated 14.09.1994, a Division Bench of this Court, while issuing notice of motion, had stayed the recovery, and the said order continues to operate.

Learned Senior counsel for the respondents submits that pursuant to the order dated 22.02.1994 that is being assailed (Annexure P-3), and similar order in case of petitioners No.2 and 3, the amount that had been recovered and that is yet to be recovered, is thus:-

Gurjant Singh, MPA recovery order February, 1994	₹ 13112-00
Total Recovery deducted @ ₹ 1000/- per month w.e.f. February, 1994 to August, 1994	₹ 7000-00
Left for recovery	₹ 6112-00

K.R. Bansal, MPS recovery order July, 1993	₹ 20431-00
Total Recovery deducted @ ₹ 1000/- per month w.e.f. August, 1993 to August, 1994	₹ 13000-00
Left for recovery	₹ 7431-00

Sukhdev Singh, MPA recovery order July, 1993	₹ 29650-00
Total Recovery deducted @ ₹ 1000/- per month w.e.f. August, 1993 to August, 1994	₹ 14000-00
Left for recovery	₹ 15650-00

He submits that as the interim order passed by this Court has been in operation for almost a decade and a half, the same be made absolute. Respondents would not effect recovery as regards the balance amount and the petition can be disposed of provided the petitioners too give up their claim qua the amount that is already recovered.

That being so, counsel for the petitioners submits that the suggestion that has been advanced by learned Senior counsel is acceptable and let the petition be disposed of on the suggested terms. However, he submits that claim of petitioners No.1 and 2, as regards leave encashment is yet to be addressed and, therefore, respondents be directed to consider the same and pass appropriate orders within a specified time.

Learned Senior counsel for the respondents submits that in case petitioners No.1 and 2 move a representation in this regard, the same shall be duly considered and decided within a period of four weeks from its receipt.

In the wake of the position as set out above, this petition is disposed of with an observation that the order dated 14.09.1994 is made absolute and the respondents shall not effect any further recovery, pursuant to the order dated 22.09.1994 (Annexure P-3) and similar other orders. Likewise, petitioners shall also have no claim as regards the amount that already stands recovered, pursuant to the said orders. Though, needless to assert, the representation that would be made by petitioners No.1 and 2 qua their leave encashment, would be considered and decided by the respondents.

APRIL 23, 2015
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(ARUN PALLI)
JUDGE