

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No.16090 of 2015 (O&M)
Date of Decision: 21.08.2015**

Thein Dam Workers Union (Regd.)

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Jagdeep Bains, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents and waives service on them.

While the Chief Engineer, Ranjit Sagar Dam Project, Irrigation Works, Punjab admits that bills of various kinds of monetary arrears due and payable to the petitioner are pending but still the amounts cannot be released because the Treasury Head from where the payments are to be made have been attached under proceedings under section 18 of the Land Acquisition Act, 1894 by the court of the learned Additional District Judge, Pathankot and, therefore, money cannot be released as it is not the fault of the Chief Engineer. This defence to the petition is wholly untenable and cannot be accepted as a legal justification for withholding the amounts admittedly due and payable to the petitioner.

To make matters worse, the petitioner has filed CM No.10603 of 2015 appending an order dated 14.08.2015 (P-11) in which it is stated by the Chief Engineer/RSDC that money to similarly situated persons is released for payment only in cases in which directions are issued by the High Court and the Supreme Court. These two documents have given rise to an unwarranted situation where the petitioners are being deprived of money etc. only to be compelled to approach this court for similar directions at considerable expense as also consuming the time of this court on a matter which should have been resolved without foisting litigation upon a hapless employee. The reasoning contained in both the orders is not only misconceived but is perverted and is therefore set aside.

The writ petition is allowed. No further time should be wasted on such a matter where claim is not disputed. Therefore, this court does not feel the necessity of issuing notice on the petition to the respondents since their stand is already known as to inability to pay since it would serve useful or practical purpose to await a response in writing from the State which is no longer a secret.

Consequently, a direction is issued to Respondent-5 to release the admitted monetary dues within 30 days of receipt of a certified copy of this order as are payable to the members of the petitioning Thein Dam Workers Union, Shahpurkandi, Pathankot, Punjab.

However, despite disposal of the case as above, let notice be issued to respondents to show cause why exemplary costs be not imposed on them for taking a stand to obstruct justice even when rights have been determined by court on the merit of the claims and a defence of attachment

by subordinate court of the Treasury Head negated and rejected by this Court as a lame excuse to deny payment of admitted dues time and again. This part of the order is made to give an opportunity of hearing to the respondents respond to the show cause.

List again on 18.09.2015.

To be shown in the urgent list.

(RAJIV NARAIN RAINA)
JUDGE

21.08.2015
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