IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No.23343 of 2014

Mukesh and others

...Petitioners

Versus

State of Haryana and others

....Respondents

C.W.P. No.5385 of 2015

Sant Ram and others

...Petitioners

Versus

State of Haryana and others

....Respondents

Date of Decision: October 13, 2015

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL
HON'BLE MR.JUSTICE HARI PAL VERMA

Present: Mr. Ajay Vijarania, Advocate,
for the petitioners.

Mr. Sudeep Mahajan, Addl. A.G., Haryana.

Mr. Vishal Gupta, Advocate,
for respondents No.2 and 3.

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SATISH KUMAR MITTAL, J. (Oral)

This order shall dispose of C.W.P. Nos.23343 of 2014 and 5385 of 2015 as common questions of law and facts are involved in the same.

In these petitions, the petitioners, who, at one point of time, had taken loan from Haryana Scheduled Castes and Development Corporation, Chandigarh and had also cleared their loan amount, have filed the instant writ petitions seeking direction to the respondents to grant them the benefit of scheme dated 24.08.2014 by which respondent No.1 has waived-off the loans with interest which were due up to 31.03.2013.

We have heard the learned counsel for the parties.

In the written statement, respondents No.1 to 3 have specifically taken the plea that as far as petitioners No.2 to 5 are concerned, they have already repaid the entire loan amount with interest before coming into force of the scheme dated 24.08.2014. It has also been stated that as far as petitioners No.1 and 6 are concerned, they have also deposited the installments after 31.03.2013 till 04.09.2014 and the balance amount has been waived-off under loan waiver scheme dated 04.09.2014. During the course of arguments this factual position has not been disputed.

As far as the petitioners are concerned, who have already repaid the loan before coming into force of the above scheme, no direction can be issued to the respondents to refund the loan amount already paid by them. In our opinion, the benefit of the scheme, which covers the loanees whose dues were in arrears to the respondent-Corporation as on 31.03.2013, cannot be given to those loanees who have already cleared the loan amount. The benefit of waiving-off the outstanding loan amount on the particular date can only be given to those loanees whose loan amount on that date was outstanding and that too only to the extent of outstanding amount. Now once before coming into force of the aforesaid scheme the loan amount has been paid, no direction can be issued to refund the said amount on the ground that the loan of those persons who had defaulted in repayment of the loan have been waived-off. The cut-off date fixed in the scheme is prospective and the same cannot be said to be arbitrary at all. It has been held by this Court in Mukhtiar Singh and others Versus Union of India and others, (C.W.P. No.20634 of 2008 decided on 8.12.2008) that fixing the cut-off date is a policy decision and this Court will not interfere in the policy matters unless violation of any law or legal right is shown.

In the present case, nothing has been shown in this regard. If we direct the respondents to refund the loan already paid by the petitioners, there are thousands of persons, like the petitioners, who had taken the loan and repaid the same, and they can claim refund of the loan amount which may result into illegality and great injustice. Thus, we do not find any ground to interfere in the impugned order.

Hence, both the writ petitions are dismissed.

(SATISH KUMAR MITTAL)
JUDGE

October 13, 2015
reema/vkg

(HARI PAL VERMA)
JUDGE