

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

CWP No. 13133 of 2010
Date of decision: 09.02.2016

Dr. S.S. Bedi

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. D.S. Patwalia, Sr. Advocate,
with Mr. Kanan Malik, Advocate,
for the petitioner.

Mr. Pankaj Mulwani, DAG, Punjab.

Mr. K.R. Dhawan, Advocate,
for respondent no. 2.

G.S.SANDHAWALIA, J. (Oral)

The petitioner is aggrieved against the order dated 08.04.2010 (Annexure P-10) vide which respondent no. 1 has imposed recovery of ₹1,14,786/- towards bogus bills and the punishment of 20% cut in pension.

The total amount is on account of three heads i.e. ₹47,500 for bogus entries in the bogus bills for which there was no document available in the record. The second head was for ₹40,000/- which was paid to officers and employees of the office and it was found that there was no document available in the office record for what purpose the payments had been made and thirdly, the amount of ₹27,286/- which was found to be paid to different firms on different dates without any bill voucher available. It is for this reason, the amount of recovery has been ordered against the petitioner.

The punishing authority has found that payments have been made for which no document was available in the office record and for what

purpose the payments have been made. The amount of 27,286/- had been found to be paid to different firms on different dates which has been entered in cash book but there is no bill voucher available. Similarly, payments had been made to officers and employees of the office for ₹40,000/- but for what purpose the payment has been made was not justified.

A perusal of the said findings would go on to show that the petitioner, while being in-charge, was lax in supervising the payments made and corresponding entries made and on that account, the recovery of ₹1,47,786 has been ordered against him. This Court does not feel that there is any scope for interference regarding this aspect since it is for his laxity, the amount has been ordered to be recovered.

The second punishment of 20% cut in the pension which has been imposed would not be justified in the facts and circumstances since the negligence on his part of the amount which was disbursed admittedly was to either the employees of the department or for the purchase of some items for which proper record has not been maintained or bill vouchers have not been brought on record for which the petitioner has been adequately punished and recovery can accordingly be made. But the cut in pension of 20% would be a recurring sore for the petitioner for the rest of his life and he has been sufficiently punished for his laxity in controlling the staff which were under his control.

Accordingly, the impugned order is modified to the extent that portion of 20% cut in the pension awarded is quashed. Accordingly, the writ petition is partly allowed.

09.02.2016
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(G.S. SANDHAWALIA)
JUDGE