

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1816-2014 (O&M)
Date of decision: 04.10.2016

Raghubir Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Ramesh Chand Sharma, Advocate for the petitioner
Mr.R.S.Pathania, DAG Punjab

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Learned counsel for the petitioner contends that vide order dated 9.5.2001, passed in CWP No.1212 of 2000 filed by Harjinder Kaur, in addition to retiral benefits, the interest was also ordered to be paid and the Government was allowed to recover the same from the officer(s) responsible for the same. Thereafter, the Government held four persons responsible for the said loss caused to the Government. Petitioner was held responsible to the extent of 1/4th share. Petitioner approached this Court by filing CWP No.4644 of 2009, in which a Single Bench of this Court, vide order dated 27.4.2010 (Annexure P3), ordered the redetermination of liability of the petitioner towards 1/4th of the interest amount payable to Harjinder Kaur in terms of order dated 9.5.2001. LPA No.2177 of 2001 filed against the said order was dismissed by this Court vide order dated 3.10.2001. Accordingly,

vide order dated 6.10.2011 (Annexure P5), liability was re-determined and the liability was reduced to Rs.62,302/-.

Learned counsel for the petitioner contends that later on the other employee i.e. Sh.Harsh Kumar Bhalla got information under RTI Act, the perusal of which revealed that vide order Annexure P7, the Secretary, Health & Family Welfare, Punjab had passed an order exonerating all the four employees. This was not within the knowledge of the petitioner when he had filed CWP No.4644 of 2009. He further contends that the other three employees approached this Court for quashing the recovery and that same was allowed by this Court vide judgment dated 21.1.2013 (Annexure P10).

Learned counsel for the petitioner seeks to withdraw the present writ petition with liberty to file a review application in CWP No.4644 of 2009 in view of the new evidence coming into his notice, which was not earlier within his knowledge and seek appropriate relief.

The writ petition is accordingly dismissed as withdrawn with aforesaid liberty.

04.10.2016
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No