

CWP No. 5427 of 2011

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 5427 of 2011
Date of Decision : 16.05.2016

Paramjit Singh

...Petitioner

Versus

The United India Insurance Co. Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

- 1) *Whether Reporters of the local papers 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?*

Present: Mr. Dinesh Kumar, Advocate for the petitioner.

Mr. D.R. Bansal, Advocate for the respondents.

P.B. Bajanthri, J.(Oral)

In this petition, the petitioner has questioned order dated 27.12.2010 by which the respondents have directed the petitioner to deposit cost amount of ₹1,92,702.32 on account of inadvertent excess payment of subsistence allowance, while he was under suspension.

The petitioner while in service was placed under suspension on 20.02.2004 and was continued to be under suspension till 09.12.2010, the date on which he was removed from service.

During pendency of this petition, learned counsel for the respondents submitted that revision of pay has not been taken into consideration while passing the order dated 27.12.2010 (Annexure P-6).

Due to interim order passed in this petition, the respondents were prevented in passing the revised order with reference to Annexure P-6 dated 27.12.2010. However, a calculation has been made and the same has been produced as Annexure R-1. The petitioner is liable to refund a sum of ₹70,095.52.

In view of revised calculation (Annexure R-1), order dated 27.12.2010 (Annexure P-6) do not survive for consideration. Hence, it is quashed reserving liberty to the respondents to issue fresh show cause notice by giving necessary explanation and revised calculation to what extent excess amount has been paid to the petitioner within two weeks after receiving certified copy of this order. Thereafter petitioner is directed to file reply to the show cause notice within a period of four weeks. Thereafter respondents are directed to pass final order within four weeks from the date of receipt of reply filed by the petitioner.

Petition stands disposed of in above terms.

May 16, 2016.
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(P.B. BAJANTHRI)
JUDGE