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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 6257 of 2011 (O/M)
Date of decision : 1.8.2016

Dalip Singh

..... Petitioner (s)

Versus

State of Haryana and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sanjeev Gupta, Advocate, for the petitioner.

Mr. G.S. Wasu, Additional A.G. Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

It comes out that two separate recovery orders have been issued; first was dated 7.1.2009 (Annexure-P-6), vide which the recovery of Rs. 2,80,700/- has been ordered. Vide another recovery order of the same date (Annexure-P-7), the recovery of Rs. 33,626/- has been ordered. The petitioner seeks release of retiral benefits. There is dispute between the parties as to which pensionary benefits have been released and which have not been released. In any case, the provisional pension has already been released.

It comes out that the petitioner has filed a civil suit, challenging the said recovery orders. In this way, the department, at the most, claims Rs. 2,80,700/- on account of first recovery order dated 7.1.2009 (Annexure-P-6) and Rs. 33,626/- on account of second recovery order dated 7.1.2009 (Annexure-P-7).

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The learned counsel for the petitioner has submitted that the petitioner will be satisfied, if all the arrears are released to the petitioner, except this disputed amount. If the petitioner succeeds in the civil suit, the department will refund the same. Otherwise, the amount will stay with the department.

In view of the matter, the present writ petition is disposed of, allowing the department to retain the said amounts of Rs. 2,80,700/- and Rs. 33,626/-, as mentioned in the orders Annexures-P-6 and P-7, from the gratuity or leave encashment, as the case may be, and release the unreleased arrears and full pension to the petitioner, subject to the condition that if the civil suit is ultimately decided in favour of the petitioner, the department shall be liable to refund the same with interest at the rate of 9%. Otherwise, the department can retain the same. Except the amounts, which the respondents are allowed to retain, on the remaining amount the respondents shall pay interest at the rate of 9% per annum from the date it became due till its payment.

(KULDIP SINGH)
JUDGE

1.8.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No