

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CWP No.16138 of 2016

Date of decision:24.11.2017

Ramesh Kumar

... Petitioner

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.N.S.Behgal, Advocate,
for the petitioner
Mr.R.K.Doon, AAG, Haryana
Mr.Padamkant Dwivedi, Advocate,
for respondents no.2 to 6.
...

AMOL RATTAN SINGH, J. (Oral)

Though in the written statement filed by respondents no.2 to 6 it is stated that there was a recovery due from the petitioner for an amount of Rs.1,67,539/-, it is admitted, on specific query to learned counsel for the respondent Corporation, that no formal charge sheet was ever issued to the petitioner with regard to recovery of that amount, and further, the charge sheet issued to him on 28.6.2013 (Annexure P-5) is with regard to delay in release of a tubewell connection of a consumer, due to which the Consumer Disputes Redressal Forum eventually granted the consumer damages of Rs.32,050/-.

That charge sheet culminated in the order dated 14.7.2014, (Annexure P-6), by which, after the petitioner had retired w.e.f. 30.6.2009,

one annual increment was ordered to recovered from him as 'notional punishment'.

On query as to whether stoppage of increment was with permanent or temporary effect, no clear answer is forth-coming but very obviously since the phrase used is “notional punishment”, the annual increment would be deemed to have been stopped with temporary effect only.

The petitioner is stated to have now died, with no other charge sheet stated to be pending against him.

Consequently, this petition is allowed to the extent that all retirement dues as have been withheld from the petition shall be paid to the next of his kin as per the law, within a period of 4 months from the date of receipt of a certified copy of this order.

There having been no charge sheet issued at all with regard to the amount sought to be recovered from the petitioner, the amount to be paid to the next kin would be with interest @ 6% per annum, running from the date that it became due, till the date of actual payment, except in the case of the provident fund amount, on which statutory interest, as per rules would be paid.

24.11.2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No