

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

CWP No. 7718 of 2015 (O&M)

Date of Decision: 07.03.2017

R.P. GUPTA

...Petitioner

VS.

STATE OF U.T. CHANDIGARH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Raj Kaushik Advocate,
for the petitioner.

Mr. Vivek Chauhan, Advocate,
for respondent No. 1.

Mr. Pritam Saini, Advocate,
for respondent No. 2.

KULDIP SINGH, J (ORAL)

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of mandamus for directing respondent No. 1 to take effective measures to get compliance of the recovery certificate dated 30.06.2014 (*Annexure P-3*) issued by the respondent No. 3 sent to the respondent No. 1 for recovery of the balance amount of the payment of gratuity from respondent No. 2.

It comes out that during the proceedings, office of the respondent No. 2 has been shifted to Panchkula, therefore, now it is primarily under the jurisdiction of the Collector-cum-Deputy Commissioner, Panchkula to execute the said recovery certificate.

It also comes out that during the pendency of the present petition, respondent No. 2 has passed the order (*Annexure R-2/7*) endorsed on 30.12.2013 whereby the gratuity determined as per the Payment of Gratuity,

Act by the Controlling Authority is being released and recoverable amount of

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270 days of leave encashment i.e. ₹2,08,510/- including interest has been adjusted. Therefore, primarily it is for the Collector-cum-Deputy Commissioner, Panchkula to see as to whether there is any amount which is still recoverable from respondent No. 2 in view of the order endorsed on 30.12.2013 (*Annexure R-2/7*) and if any amount is found to be due, how the same is to be recovered?

Since, Collector-cum-Deputy Commissioner, Panchkula is not a party in the present writ petition, therefore, respondent No. 3 is directed to issue a fresh recovery certificate to the Collector-cum-Deputy Commissioner, Panchkula, who is directed to hear the rival contentions of both the parties and then to determine whether any amount is due from respondent No. 2 or not?

The petition is accordingly disposed of.

March 7, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

<i>Whether speaking / reasoned</i>	:	✓ Yes	/	No ✓
<i>Whether Reportable</i>	:	Yes	/	No