

201

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

**CWP No. 22375 of 2015
DECIDED ON: AUGUST 13, 2018**

HEM CHANDER

.....PETITIONER

VERSUS

STATE OF HARYANA & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. B.K. Bagri, Advocate
for the petitioner.

Mr. Rohit Arya, AAG, Haryana.

Mr. Surender Saini, Advocate
for respondent No.6.

JASPAL SINGH, (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of certiorari to quash the order dated 15.09.2015 (P-15) passed by respondent No.3 vide which direction was issued to respondent No.5 to recover the amount of ₹69,950/- from the dearness allowance payable to him and for issuance of a writ in the nature of mandamus directing the respondents to conduct departmental inquiry before fixing his liability and for the recovery of the amount on account of alleged shortage of articles.

2. During the pendency of instant petition a fresh inquiry was got conducted by the respondents i.e. Block Education Officer, Rai who after having considered all the relevant record and the evidence came before him, submitted his report dated 03.03.2016 (R-1) with following conclusion:

“it is found from discussion and written statement of the staff members working in Govt. High School Katlupur that the whole responsibility for shortage of computer articles is of Sh. Hem Chander retired Head Master. Hence information is sent to respected District Education Officer for further information and necessary action.”

3. It is further noticeable that after perusal of the afore-said inquiry report dated 03.03.2016 (R-1), Director Secondary Education, Haryana passed the order dated 12.04.2016 (P-16), copy of which was also endorsed to the petitioner. According, to the order dated 12.04.2016 (P-16), after having scanned and evaluated the afore-said inquiry report (R-1), a complaint against the petitioner was filed/consigned. Meaning thereby, Director Secondary Education, Haryana did not opt to proceed further against the petitioner and the proceedings were dropped.

4. Now the question arises that once the inquiry proceedings initiated against the petitioner have culminated in dropping out all the proceedings in complaint, petitioner deserves the refund of the amount already deducted in pursuance of order dated 15.09.2015 (P-15) passed by respondent No.3 and the answer to this question would certainly be in the negative. Since, the petitioner stood exonerated vide order dated 12.04.2016 (P-16) passed by the Director Secondary Education, Haryana, there is no justification to retain the amount deducted from the petitioner and as such the respondent-department is liable to

repay the same.

5. Accordingly, instant petition is disposed of with a direction to respondents to repay the deducted amount to the tune of ₹69,950/- within a period of two months from the date of receipt of certified copy of this order. However, in case of non-compliance of the order it would entail interest @9% per annum from the date of passing of order dated 12.04.2016 (P-16) till actual payment.

AUGUST 13, 2018
sham

(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>