

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

(281)

CWP-27109-2018

Date of Decision: December 19, 2018

Mulkh Raj

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajesh K. Dadwal, Advocate, for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

The present case relates to the refund of the recovery amount of Rs.55,782/-, which was recovered from the pensionary benefits of the petitioner.

Learned counsel for the petitioner states that the said amount which was recovered, has not been deposited back, despite direction in this regard.

Vide order dated 22.10.2018, respondent No.5-District Treasury Officer, Hoshiarpur was directed to remain present in the Court to explain why, the amount which was recovered from the pensionary benefits of the petitioner has not been refunded back.

Reply has been filed today in the Court and respondent No.5-District Treasury Officer, Hoshiarpur is present in the Court.

As per the reply filed, it has been mentioned that the Treasury Officer, Hoshiarpur had already passed an order on 08.08.2011 directing the Senior Manager, Punjab National Bank, Kamahi Devi, Hoshiarpur to take appropriate action in this regard.

As per the paragraph 4 of the reply, the Senior Manager, Punjab National Bank, Kamahi Devi has informed respondent No.5 vide letter dated 03.12.2018 that the amount of Rs.55,782/- has already been credited into the account of the petitioner on 14.09.2011 and therefore, the present writ petition, which has been filed in the year 2018 is contrary to the facts and has been filed without going through the bank statement(s).

Counsel for the petitioner pleads ignorance about the deposit of the said amount.

Once, an affidavit has been filed by a responsible Officer making a statement on oath, the same cannot be discarded. In case, it is found by the petitioner that the statement given by respondent No.5 today by way of an affidavit, is incorrect, he is at liberty to file appropriate application for not only reopening of the case but also for appropriate action against respondent No.5.

The writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 19, 2018
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No