

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No. 1492 of 2006
Date of decision: 20.12.2019

Karnail Singh

.. Petitioner

v.

R. S. Sandhu and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Tunish Nagar, Advocate for the petitioner.
Ms. Deepali Puri, Addl. Advocate General, Punjab.

...

AVNEESH JHINGAN, J. (Oral)

Learned counsel for the petitioner submits that the present contempt petition is against the interim order passed in CWP No. 15744 of 2005, however, on 23.4.2014, the writ petition was finally disposed of.

At this juncture, it would be relevant to quote operational part of the judgment:

“After hearing learned counsel for the parties and considering their fair stand, the bunch of writ petitions are disposed of by giving liberty to the State to proceed in terms of the statement made by learned Additional Advocate General, Punjab, and take steps accordingly.

It is further made clear that if ultimately it is found that

the amount was wrongly paid to a retiree and same is not be recovered at this stage and for that any of the official / officer in the department concerned or in the Auditor General found was at fault, appropriate steps to recover the amount from him/ them be taken. As it is the public money, all the employees working in the State are trustees, they cannot be permitted to commit blunders in the name of bonafide mistakes and pay lacs of rupees to the employees/ retirees, to which they were not entitled to.

Error is one part but connivance or fraud also cannot be ruled out. This menace cannot be checked unless the State proceeds in a direction to fix the responsibility, making employees accountable. The instructions be issued specifying that wherever any amount has been paid wrongly to an employee and if the same cannot be recovered by the State, the person at fault should be made liable to make the loss good. Reference can also be made to judgment of this Court in CWP No. 11928 of 2012 Santosh Kumari vs State of Punjab and others, dated 12.2.2014.

The final report regarding the action taken against the guilty official/ officer shall be placed before this Court. The matter be listed for the purpose on 29.11.2014.

The writ petitions stand disposed of.”

Learned counsel for the petitioner states that after disposal of the main petition, inspite of best efforts he has not received any instructions from the petitioner.

Dismissed for non-prosecution with liberty to the petitioner to
revive the petition if something survives.

(AVNEESH JHINGAN)
JUDGE

20.12.2019
mk

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