

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

COCN No. 3193 of 2016

DECIDED ON: AUGUST 28, 2019

PIARA SINGH

.....PETITIONER

VERSUS

GURSHARAN SINGH WASON AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. H.S. Saini, Advocate
for the petitioner.

Ms. Deepali Puri, Addl. AG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The present contempt petition has been filed pleading wilful disobedience of the order dated 28.04.2016 passed in a bunch of petitions. The main case was CWP No. 25992 of 2015.

The operational part of the order passed in the main petition is quoted below:-

“ *In such circumstances, the present writ petitions are disposed of, in view of the stand taken by the State, on account of the withdrawal of the orders that the benefits of the judgment of the Apex Court in Tarlok Chand (supra) will be given to all similarly situated persons. In the case of serving employees, the pay will be fixed accordingly, as per the entitlement of the increments. Similarly, in the case of the persons who have retired, the pension/retiral dues will be granted/refixed, as per the entitlement and where there has been recovery, the amount so recovered will be refunded to the said*

employees. Needful be done within a period of 3 months from the receipt of the certified copy of this order. Needless to say that in view of the directions issued, where recovery had been made, the petitioners shall be entitled for the interest element @ 6% per annum from the date of deduction till it is paid.”

The only dispute which survives in the present contempt petition is with regard to an amount of ₹58,240/-. The case of the petitioner is that the said amount was recovered from the petitioner and is not being refunded as per the direction of this Court. He relies upon RTI information received from the department.

Learned State counsel has placed reliance upon the pleadings of the affidavit dated 10.07.2019. The relevant paras of the said affidavit are reproduced below:-

“5. That insofar as the amount of Rs.58,240/- shown as recovery towards Special Increment in the RTI letter dated 30.09.2015 is concerned, it is respectfully submitted here that the said information is incorrect and not as per the true and actual official records. It is pertinent to mention here that the office of the deponent has issued a letter dated 24.06.2019, in response to the RTI information sought by the petitioner. Copy of the RTI letter no. 229/RTI dated 24.06.2019 is appended herewith as Annexure A-1.

A perusal of the letter dated 24.06.2019 would clearly reveal that the amount of Rs.58,240/- as earlier shown recovery towards Special Increment in the letter dated 30.09.2015 is inadvertent and the said amount has never been recovered from the petitioner.

6. That it is further relevant to mention here that even the office of the Accountant General, Punjab vide its letter dated 29.04.2016 has confirmed that no recovery on account of Special Increment has been affected from the petitioner. Copy of the letter no. Pen7/P-4/2001-02/208-09 dated 29.04.2016 is also appended herewith as

Annexure A-2.”

On the basis of the said pleadings, learned State counsel submits that no recovery has been made from the petitioner.

Learned State counsel, on instructions from Mr. Vikas Dev, XEN, Electrical Division, RSDC Project, Shahpur Kandi, District Pathankot, submits that in case petitioner is still able to show that the amount has been recovered, the same would be refunded along-with interest. She further submits that RTI information was incorrectly supplied. The respondent tried to pin-point the official, it was found that the concerned official as well as SDO both have retired.

The mere statement will not absolve the responsibility of the department. The RTI information is not dealt at one desk. It goes through the hands of series of officials and it appears that only the retired officials have been made a scapegoat .

If so advised, let respondent-Department look into the matter afresh and in case they are satisfied that both the officials concerned are retired but the information supplied was wrong, if so permitted may forward this case before the RTI authorities for further action. An affidavit with regard to the proceedings and action taken would be filed in this Court within six weeks from today.

In view of afore-said statement, learned counsel for the petitioner states that no cause of action survives for pursuing the present contempt petition.

Disposed of as infructuous.

Needless to say that the petitioner would be at liberty to move

representation along-with detailed calculations, in case such representation is made, the same would be decided as expeditiously as possible in accordance with law after providing an opportunity of hearing to the petitioner.

AUGUST 28, 2019
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(AVNEESH JHINGAN)
JUDGE

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