

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

(210)

CWP-1675-2015

Date of Decision: February 14, 2019

Ramesh Chander Arora

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. N.C. Kinra, Advocate, for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

Mr. Shubham Aggarwal, Advocate,
for respondents No. 2 and 3.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the prayer made by the petitioner is that the retiral benefits for which the petitioner is entitled for, have not been released so far and prayer has been made for the release of the same alongwith interest @ 18% per annum.

As per the averments made in the writ petition, the petitioner joined as a Senior Accountant with the respondents on 03.08.1988. The petitioner continued working there till he superannuated on 30.11.2008. On 01.03.2013, on the basis of a charge-sheet served upon the petitioner and enquiry done, penalty of recovery was imposed upon the petitioner. Petitioner filed an appeal against the said order of recovery, which according to the petitioner, has not been decided so far.

Upon notice of motion, the respondents have filed the reply and admitted that the appeal was preferred by the petitioner against the order

dated 28.03.2013 and the same is still pending. The relevant paragraph 3 of the reply is as under:-

*“That the petitioner was issued a charge-sheet under Rule 7 of the Haryana Civil Services (P&A) Rules, 1987 (hereinafter referred to as “**the Rules**”) vide Memo No. HTC/Admn-1/A-2/DF-24/10538 dated 05.09.2008. Pursuant to the same, he has been awarded punishment vide order No.2A-1/HTC-2013/3154-60 dated 01.03.2013 (Annexure P-2 to the Writ Petition) whereby recovery of 10% of the amount of Rs. 5,44,138/- (Rs.16054/- had already been recovered and difference of Rs.62/- was not proved), which was ordered to be made from Sh. Raj Pal, C.I. as pointed out by the Enquiry Officer, has been directed to be made from the Petitioner in view of the fact that the Petitioner had failed/omitted to bring the irregularities committed by Sh. Raj Pal, C.I. to the knowledge of the authorities, thus causing the abovementioned loss to HTC. Besides the above, recovery of Rs.74,876/- was also directed to be made from the Petitioner since the Petitioner was solely responsible for the same. The above order of penalty/recovery has been passed after following the due process of law and is not under challenge in the present Writ Petition. The Petitioner has filed an appeal dated 28.03.2013 against the abovesaid order dated 01.03.2013 and the same is pending decision by the Appellate Authority.”*

Learned counsel for the respondents has not been able to justify as to why the appeal is pending from a period of more than five years. He requests and undertakes that the appeal filed by the petitioner will be decided within a period of two months from today.

Keeping in view the above, learned counsel for the petitioner does not wish to press the present writ petition any further.

Learned counsel for the petitioner states that the petitioner be given liberty to approach this Court by filing appropriate proceedings in case, the relief is not granted to the petitioner by the respondents while deciding the appeal.

There is no question of granting the liberty once an order will be passed by the respondents, the petitioner will be free to avail his own remedy in accordance with law against the said order.

The present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

February 14, 2019
harsha

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