

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 26873 of 2018(O&M)

Date of Decision: 08.11.2019

Balkar Singh and others

..... *Petitioners*

V/s.

Union of India and others

.....*Respondents*

CORAM:HON'BLE MR.JUSTICE G.S. SANDHAWALIA

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Present:- Mr. R.S. Manhas, Advocate
for the petitioners.

Mr. Chetan Mittal, Senior Advocate with
Mr. Udit Garg, Advocate
for respondent no.3.

G.S. SANDHAWALIA,J(ORAL).

The present writ petition filed under Articles 226 and 227 of the Constitution of India is for directing respondent No.4 to release the amount of compensation deposited in the account of the predecessor of the petitioner.

Counsel for the respondents-Union of India, on instructions from Mrs. Promilla Jaiswal, Defence Estate Officer, Pathankot, who is present in the Court in view of the earlier order dated 16.09.2019, has assured this Court that the payment shall be deposited with respondent no.2 within a period of two weeks from today. The same reads as under:-

“As per paragraph No. 9 of the preliminary objection of reply filed by respondents No. 1 to 3, it would apparent that the proposal has been sent to Ministry of Defence to release the enhancement amount as per the order of this Court dated 07.01.2011 (Annexure P-4). Perusal of Annexure R-3/5 dated 08.01.2019 would have also show that the proposal was sent as the case has attained finality.

Resultantly, respondent No.3 shall make ensure that the outstanding amount as per its own calculations is paid to the petitioners by way of demand draft as per their shares on the next date of hearing before this Court.

Adjourned to 08.11.2019.

In case, the said demand drafts are not brought on the next date of hearing, the said respondent shall be present in Court to explain the lapse.”

Counsel for the petitioners submits that respondent no.4-Bank is still holding up the amount which is lying in the account of predecessor-in-interest of the petitioners Ananto alias Anant Ram.

The service upon respondent no.4 bank is complete. None has put in appearance on behalf of the bank.

Accordingly, the instant writ petition is disposed of in view of the undertaking given by the counsel for Union of India. Respondent no.2 shall also disburse the amount within a period of four weeks from the date of receipt of certified copy of this order. Further respondent No.4-bank is directed to disburse the amount to the petitioners, which is lying in the account of Ananto alias Anant Ram as they are stated to be the legal heirs.

November 08, 2019
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No