

CWP-27949 of 2018

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

CWP-27949 of 2018

Date of decision: - 19.08.2019

Bhupinder Singh

....Petitioner

Versus

Punjab State Warehousing Corporation

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Suresh Kumar Arya, Advocate for the petitioner.

Mr. Kunal Mulwani, Advocate for the respondent.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-5066-CWP-2019

The present application has been filed for placing on record written statement filed on behalf of the respondent.

Application is allowed and written statement is taken on record.

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In the present writ petition, the grievance which is being raised by the petitioner is that a sum of ₹76,000/- has been deducted from the pensionary benefits of the petitioner, which is totally arbitrary and illegal as the same was done without issuance of any show cause notice.

In the reply, respondents have stated that the petitioner had

taken Labour Advance amounting to ₹58,000/- and also festival advance of ₹18,000/-, which amount was standing against the petitioner at the time when his services were terminated and it is only the said amount, which has been deducted from the CPF of the petitioner. Learned counsel for the respondents further states that it is incorrect that no show cause notice was issued. Annexure P-1, which the petitioner has attached alongwith the writ petition is the show cause notice, which was issued to the petitioner on 13.12.2007 and thereafter, a reminder was given on 23.01.2008 (Annexure P-2). As no reply to the same was submitted by the petitioner, appropriate order was passed, hence, no grievance can be raised by the petitioner that the recovery was done without affording any opportunity of hearing.

Learned counsel for the petitioner, on the other hand, states that reply to the show cause notice was given by the petitioner, which has been appended as Annexure P-3 and even the statement/receipt of payment made of ₹50600/- to the Contractor, which amount was given to the petitioner as Labour Advance, was attached along with the reply, which has not been considered by the respondents while recovering the amount of ₹76,000/-.

Learned counsel for the respondents rebuts this statement made on behalf of the petitioner by stating that reply is undated and has never been received by the Corporation and further in the reply Annexure P-3, petitioner has stated that a Cheque No. 784058 dated 31.08.2001, which was given to the petitioner as a Labour Advance amounting to ₹50,600/-, was handed over to the Contractor, whereas in the receipt which the petitioner has appended along with the writ petition showing the payment, the said amount has been shown to be paid in cash and, therefore, statement

of the petitioner given in the reply cannot be treated as correct.

Learned counsel for the respondents very fairly states that in case the petitioner approaches the respondents with any representation making any claim of having made the payment to the Contractor out of the labour advance taken by him alongwith the supporting documents, the same will be considered and appropriate orders will be passed. Counsel for the respondents further states that in case, petitioner is able to prove that the amount of Labour Advance given to him was rightly spent appropriate decision will be taken by the Corporation in this regard by passing an order.

Learned counsel for the petitioner states that keeping in view the statement given by the learned counsel for the respondents, petitioner will approach the respondents by filing an appropriate representation showing that the labour advance given to him was duly spent and he will satisfy the respondents with proof in respect of his claim. Learned counsel for the petitioner states that he does not press this writ petition any further at this stage.

Disposed of having been not pressed.

August 19, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No