MANOHAR LAL VS STATE OF PB.ETC.

Present: Mr. Vipin Mahajan, Advocate
for the applicant-petitioner.

Ms. Rajni Gupta, Senior DAG Punjab.

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This review application has been filed seeking review of the order dated 28.04.2017, by which the writ petition had been allowed by passing the following orders;-

> *"15. In view of the facts as afore-stated, I am of the opinion that to put a quietus to the matter, ends of justice would be met if the penalty of compulsory retirement along with fine of Rs. 533703.60 is converted into only an imposition of fine of Rs. 533703.60 as has been done in the case of Manohar Lal Gudwani and the order of compulsory retirement is set aside thereby reinstating him in service. However, on reinstatement the petitioner shall be entitled to only 50% of his salary for the period that he did not work till his retirement and thereafter will be entitled to full pension. Needless to mention that on reinstatement the petitioner will also be entitled to all consequential benefits that would flow from setting aside the order of compulsory retirement. The petitioner is, therefore, entitled to interest on the delayed payment of retiral benefits at the rate of 6% per annum from date of*

retirement upto the date they are actually paid to him. Fine as assessed be deposited within a period of one month from receipt of certified copy of this order.

Writ petition stands allowed in the aforesaid terms."

Learned counsel for the applicant-petitioner contends that while allowing the writ petition, the petitioner had been imposed a fine of ₹ 533703.60 which he was required to deposit within a period of one month from receipt of certified copy of the order. It is contended that actually the fine already stands deducted from his arrears of pension, and therefore, he is not required to comply with the said direction. It is also contended that the department also deducted interest on the said amount, which is liable to be refunded.

On the other hand, learned counsel for the respondent-State, on instructions from Mr. Deep Garg, DFSO does not dispute the factual position that the amount of ₹ 533703.60 has already been deducted from arrears of pension, and therefore, the petitioner herein is not required to comply with the said direction. It is also contended that interest, that was deducted, has been refunded minus the income tax, which fact is not disputed by learned counsel for the applicant-petitioner.

I have heard learned counsel for the parties.

In view of the submissions made hereinabove, the decision taken on 28.04.2017 is modified to the extent that *"Fine as assessed be deposited within a period of one month from receipt of certified copy of the order"* be read as *"Fine as assessed be deposited within a period of one* *month from receipt of certified copy of the order, if not already deposited/deducted"*

The review application stands disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

April 11, 2019
vijay saini