

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

CWP-26979-2018

Date of decision: 7.5.2019

The informer

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Arinder Singh, Advocate for the petitioner

Mr.Sudhir Nar, Senior Panel Counsel for respondent No.1

Mr.Sunish Bindlish, Senior Standing Counsel
for respondent Nos. 2 to 4

JITENDRA CHAUHAN, J.

The claim in the instant petition is for release of the reward amount to the petitioner in accordance with the Policy/Circular No.20/2015 dated 31.7.2015 (Annexure P-1) for providing valuable information to the respondents.

Notice of motion.

Mr.Sudhir Nar, Senior Panel Counsel accepts notice on behalf of respondent No.1 and Mr.Sunish Bindlish, Senior Standing Counsel causes representation on behalf of respondent Nos. 2 to 4.

Learned counsel for respondent Nos. 2 to 4 states that the amount as per the Policy/ Circular No.20/2015 (Annexure P-1) stands sanctioned in one case i.e. M/s Bhawani Castings Pvt. Ltd, Mandi Gobindgarh, and in second case i.e. M/s K.C. Soni and sons Pvt. Ltd.,

interim amount has already been paid to the petitioner, whereas the entire amount cannot be paid in terms of Clause 7.1 of the Guidelines for Grant of Reward to Informers and Government Servants, 2015, which reads as under:-

“7.1 Final rewards, both to Government Servants as well as informers, should be sanctioned and disbursed only after conclusion of adjudication/ appeal/ revision proceedings, as well as closure of proceedings mentioned at para 6.5. In case of narcotic drug, psychotropic substance and controlled substance, one time final rewards, both to Government Servants as well as informers, should be sanctioned and disbursed only after compliance of provisions under Para 4(1) of the Notification no.GSR 38(E) dated 16th January 2015 issued under Section 52A of the Narcotic Drugs & Psychotropic Substances Act, 1985 and filing of prosecution complaint before the designated Court. The final reward will be determined on the basis of the net sale proceeds of goods seized / confiscated (if any) and / or the amount of additional duty/ fraudulently claimed Drawback recovered plus penalty/ fine recovered for the duty recovered in cases of detection of abuse of duty exemption schemes. The total reward admissible, i.e. advance and final reward put together, should not exceed

the ceiling of 20% of the net sale proceeds (if any) plus amount of additional duty/ Service Tax/ fine /penalty recovered or the amount of drawback fraudulently claimed recovered, or the duty recovered in cases of detection of misuse of duty exemption schemes as the case may be. This will also be subject to instructions in Para 5.3.1 above as regards rewards to Government Servants is concerned. The advance / interim reward sanctioned and disbursed, if any, shall be adjusted against the final reward to be paid to the Government Servants/ informers.”

In view of the above, respondent No.1 is directed to ensure that the sanctioned amount is released without any further delay. As the claim of the petitioner is admitted by the respondents, therefore, no further action is required. So far the second case is concerned, finality has not been attained in the matter.

In this view of the matter, the present petition stands disposed of accordingly.

7.5.2019

gsv

[JITENDRA CHAUHAN]
JUDGE

Whether speaking / reasoned?**Yes / No****Whether reportable?****Yes / No**