IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 4578 of 2020
Decided on : 30.12.2020

Vijay Kumar Kaul …Petitioner.

Versus

Managing Director, HP State Forest Development Corporation and others ….Respondents.

Coram:

The Hon'ble Mr. Justice Sureshwar Thakur, Judge.
The Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?[1] Yes.

For the Petitioner: Mr. V.B Verma, Advocate.

For the Respondents: Mr. Vinod Thakur, Advocate.

(Through Video Conferencing)

Sureshwar Thakur, J (oral)

Through the impugned order of recovery, efforts are made by the respondents, to recover some borrowed amounts, from the writ petitioner. The afore recovery(s) are endeavored to be made, from the pecuniary amounts, hence defray-able towards gratuity, and, also towards leave encashments, to, the writ petitioner.

2. It is under well settled, through a verdict, made by the Hon'ble Apex Court, in Special leave to appeal (c) No(s). 11025/2020

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[1] Whether reporters of the local papers may be allowed to see the judgment?

titled as M/s Steel Authority of India Ltd. Versus Raghbendra Singh and others, that, the afore endeavor strictly qua valid unliquidated governmental dues, rather enjoys an aura, of, validation. Consequently, if the afore endevour falls within domain thereof(s), thereupon it does acquire, an, aura of validation.

3. Be that as it may, it is clarified that borrowings, if any, made by the writ petitioner, from financial institution(s) concerned, and, theirs working towards his therethrough, creating movable and immovable assets, when may otherwise become covered, by apposite mortgage deeds, and, hypothetication deeds, executed inter-se the writ petitioner, and, the financial institution concerned, and, are realisable therefrom, (a) thereupon recovery(s), if any, qua therewith, if are endeavored to made, may not be made (b) as, thereupon the petitioner may dehors his liquidating the afore borrowings through monthly apposite remittances, rather become defacilitated to from the fullest releasing to him, of post retiral benefits, hence promptly make the apposite liquidations to the financial institution(s) concerned. Nonetheless, the writ petitioner, shall file an affidavit, before the employer concerned, that he shall promptly ensure his liquidating all the installments of the apposite amortized borrowings, for, his

therethrough(s) creating hence immovable and movable assets. It is further clarified that in case the writ petitioner, within two months, liquidates the afore borrowings, thereupon the financial institution(s) concerned, shall ensure de-hypothetication, of, the vehicle concerned, and of redemption(s), of, the mortgage(s) of immovable assets' concerned.

In view of the above, the present petition stands disposed of alongwith all pending applications.

(Sureshwar Thakur),
Judge.

30th December, 2020
(priti)

(Sandeep Sharma),
Judge.