

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13018 of 2016

Date of decision: 23.01.2020

Ram Lubhaya

.... Petitioner

versus

State of Punjab and others

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nitesh Singla, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl.AG, Punjab.

Ms. Jasvir Kaur, Advocate
for respondent No.4.

HARSIMRAN SINGH SETHI, J.

Challenge in the present writ petition is for recovery, which has been effected from the retiral benefits of the petitioner on the ground that the same is impermissible.

Learned counsel for the petitioner further argues that the recovery has been done in an arbitrary manner without giving him any opportunity of hearing.

Upon notice of motion, respondents have filed reply, in which it has been stated that recovery was done after the petitioner had agreed to the same and, therefore, after consenting to the recovery, the petitioner cannot turn around and file this writ petition.

Vide order dated 20.09.2019, the respondents were directed to place

on record undertaking/letter, which the petitioner had submitted, consenting to the recovery to be done from his retiral benefits.

Today, in the Court, respondent No.4 has filed an affidavit alongwith Annexure R-2/T i.e. letter written by the petitioner consenting to the recovery from his retiral benefits.

Learned counsel for the petitioner argues that the said letter cannot be acted upon as the petitioner was coerced to sign the same as his pensionary benefits were being withheld. The said allegation creates disputed question of facts in the present petition, which cannot be decided by this Court.

Faced with this situation, learned counsel for the petitioner prays that he be allowed to withdraw the present writ petition with liberty to the petitioner to avail his remedy by approaching an appropriate forum for grant of interest on the delayed release of pensionary benefits and for refund of recovery, which has been effected from his retiral benefits.

Dismissed as withdrawn with liberty as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

23.01.2020
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |