

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

CWP-28657-2019

Date of Decision: March 06, 2020

Kimti Lal

..... Petitioner(s)

Versus

State of Punjab and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Tikka Gurpartap Singh, Advocate for
Mr. T.P.S. Makkar, Advocate
for the petitioner.

Mr. Sandeep Vermani, Addl. AG, Punjab.

LISA GILL, J.

This writ petition has been filed for quashing of order dated 03.01.2019 (Annexure P-7), passed by respondent no.3, the Executive Engineer, Eastern Canal Division, Ferozepur, in terms of which a sum of Rs.2,20,731/- is sought to be recovered from the petitioner, to satisfy certain payments released to a contractor. It is observed therein that the work was got executed through the contractor without calling for tenders and the work order was also not approved from the Executive Engineer. The petitioner who was serving on the post of Junior Engineer, superannuated on 30.04.2019.

Learned counsel for the petitioner submits that recovery as directed vide the impugned order (passed against the petitioner and two others) translates to a minor penalty qua the petitioner, under the relevant Rules and the same could be imposed only after following due process under the applicable Punishment and Appeal Rules.

Learned counsel for the State, on instructions from Rajinder Pal Goyal, Sub Divisional Officer, Head Works, Sub Division, Canal Colony, Ferozepur, submits that the amount of Rs.2,30,798/- has been duly credited to the petitioner's account. The respondents, at the same time, seek liberty to proceed against the petitioner in accordance with law in respect to the said matter.

Keeping in view the facts as revealed above, no further order is required to be passed in this writ petition, which is rendered infructuous. Needless to say, the respondents are at liberty to proceed in accordance with law to avail their remedy, if any, against the petitioner in respect to the said amount. It is further clarified that there is no expression of opinion qua the other two persons against whom the impugned order has been passed.

(LISA GILL)
JUDGE

06.03.2020
'Sunil'

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No