

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

CWP-14526-2021 (O&M)
Date of decision: 03.08.2021

Madan Lal

...Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Krishan Singh, Advocate for the petitioner

Mr. Samarth Sagar, Addl. AG, Haryana

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this writ petition filed under Article 226/227 of the Constitution of India, the petitioner prays for the following substantive reliefs:-

- i. To issuance of an appropriate writ, order or direction especially in the nature of Certiorari quashing the action of the respondents No.2 to 4 whereby they have not taken any action against the respondents no.5 to 8 despite the fact that Respondents no.5 to 8 have misappropriated the amount of pension of Rs.1,55,249/- in connivance with each other and caused Financial loss to the Government and they have not even deposited the aforesaid misappropriated amount with the Government, despite the demand raised by

respondent no.4 vide letter dated 02.03.2021 **(Annexure P-3)** and letter dated 29.01.2021 **(Annexure P-4 & P-5)** and letter dated 16.03.2021 **(Annexure P-6).**

ii. Further a writ in the nature of Mandamus may kindly be issued directing the official respondents No.2 to 4 to take action against the respondents no.5 to 8 who have misappropriated the amount of pension of Rs.1,55,249/- and direction may kindly be issued to the respondents No.2 to 4 to take legal action against respondents no.5 to 8.

iii. Further a writ in the nature of Mandamus may kindly be issued directing the official respondents No.9 & 10 to register an FIR against respondents no.5 to 8 for the offence under section 420, 467, 468, 471, 120-B IPC as it is duly proved from the letter dated 29.01.2021 **(Annexure P-4 & P-5)** and letter dated 16.03.2021 **(Annexure P-6)** that they have caused financial loss to the Government by fixing handicapped pension of respondent no.7, despite the fact that he is not handicapped person.”

Learned counsel representing the petitioner while drawing the attention of the Court to communication dated 29.01.2021 submits that the officials of the State inspite of determining the amount

recoverable from the private respondents has failed to take any action.

Mr. Samarth Sagar, Addl. AG, Haryana, enters appearance on behalf of respondent no. 1 to 4 and on instructions from Ms. Surjeet, DSWO, Yamunanagar, submits that sincere steps are being taken to recover the amount and instructions have been issued to recover the same as arrears of the land revenue. He further submits that steps are afoot to attach the property of the defaulter in order to effect the recovery of the amount.

Keeping in view the aforesaid facts, the writ petition is disposed of by directing the official respondents to complete the process within three months.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

03.08.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE