

Sr. No.328

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18105-1996

Date of decision: 05.04.2022

S.P.Moudgil

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.K.S. Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1996, *inter alia*, seeking issuance of a writ in the nature of certiorari to quash order dated 29.07.1996 (Annexure P-94) vide which 1% cut from the pension for a period of two years has been imposed on the petitioner and non-release of gratuity.

Petition was admitted on 24.11.1997.

When called out for hearing, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 25 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

In any case, it appears that even on merits claim of the petitioner is not admissible in view of the following stand taken in para 1 of the preliminary submission, which is reproduced herein for ready reference:

“1. *It is submitted that supply order for the following sizes of Seamless pipe was placed by the Director Supplies & Disposal Haryana Chandigarh vide No.41/HR/EII/85-86/413 dated 13.1.86 with M/S Tata Iron & Steel Co., Ltd., Calcutta.*

<u>Size</u>	<u>Quantity</u>
150 mm	3000 Mtr.
200 mm	3000 Mtr.

Condition No.8 of the supply order stipulates that inspection of the material before dispatch by the Director of Inspection, Director General, Supplies & Disposals, Calcutta. After the supply order the request of the firm for amendment in waiving off the inspection of material by Director General, Supplies & Disposal was considered and

rejected. The firm dispatched the material without any document i.e. R.R. and Inspection Note as per one of the condition of supply order. The petitioner, in the capacity of the Executive Engineer, issued an Inspection Note vide his endorsement No.2626-31 dated 13.5.86 for which neither he was competent nor he has obtained the approval of the competent authority. Further, the petitioner declared the material as per IS 1978/1971 whereas the material was less in weight thus substandard. This was further agreed by the supplier firm as to why he agreed to received the payment at a reduced rate.

For the aforesaid misdeeds/irregularities committed by the petitioner he was charge-sheeted under rule-7. On the date of his retirement i.e. 30.9.95 A.N. this charge-sheet was pending against him. This has been finally decided vide Haryana Govt. No.4/7/92-PH(I) dated 29.7.96 by imposing a very reasonable penalty of 1% cut in the pension for a period of 2 years.

The reasons for non release of gratuity to the petitioner are the following outstanding amount against the petitioner:

- | | |
|--|-------------|
| (i) On Account of non-payment of electric bill | Rs. 9543.40 |
| ii) Over stayed in Govt. Accommodation | Rs.7935.50 |
| iii) Drilling of tubewell without proper sanction-a proper charge sheet under rule-7 has been issued to the petitioner which is still pending. | Rs.78451.05 |

In such a lengthy writ of 100 pages and its enclosures of 327 pages the petitioner has tried to praise himself or criticize others. The main points involved are 1% cut for a period of two years in the pension of the petitioner and non release of gratuity. The decision of the Govt. imposing 1% cut for a period of two years in the pension of the petitioner is purely on merits and the reasons for non release of gratuity is "outstanding amounts against the petitioner". Therefore, this writ petition needs to be dismissed on this score alone."

Be that as it may, writ petition is disposed of with liberty to the petitioners to file an appropriate application in case, any cause of action still survives.

05.04.2022

vandana

Whether speaking/reasoned:

Whether reportable :

(ARUN MONGA)

JUDGE

Yes/No

Yes/No