

CWP No.9440 of 2000 (O&M)
Date of decision: 23.05.2022

Amar Singh

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Ms. Hardeep Singh, Advocate, for the petitioner.

Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ of certiorari for quashing the impugned order dated 02.05.2000 (Annexure P-9) whereby 20% i.e. Rs.7,20,938.15 out of the total loss suffered i.e. Rs.36,49,695.73 was ordered to be recovered from the petitioner.

2. Petition was admitted for hearing on 29.10.2002. When taken up for adjudication, learned counsel is unable to assist the Court for lack of instructions. Learned counsel for the petitioner states that despite attempts, her office could not contact the petitioner. In the premise, no useful purpose would be served to issue fresh notice to the petitioner as the same too would be an exercise in futile. Even the address of the petitioner is also perhaps not complete as is borne out from the memo of parties.

3. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, either it has been

rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

4. In any case, having perused the record/pleadings, it appears that even on merits, claim of the petitioner is not admissible. Reference may be had in particular to the stand taken in para No.3 of the reply filed on behalf of respondents No.1 and 2.

5. I am in agreement with the stand taken by the respondents as aforesaid. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

6. Another aspect of the matter that deserves to be noted is that having abandoned his departmental remedy when he was granted opportunity of personal hearing and having not appeared before the punishing authority, he was yet again given repeated opportunities to appear on 06.01.1999, 07.09.1999 followed by 22.09.1999 but the petitioner chose not to explain his version as he never appeared before the competent authority. It was only thereafter, that the competent authority passed the impugned order after considering all the aspects and having gone through the record on the administrative side, and imposed the recovery to the extent of delinquency determined *qua* the petitioner i.e. Rs.7,20,938.15/- as against the total loss of Rs.36,49,695.73.

7. Furthermore when the petition was filed merely notice of motion was issued and at no stage, any stay was granted on the impugned recovery either during motion hearing or even after the petition was admitted for hearing. In the overall premise, it seems that that is why the petitioner has chosen to abandon the proceedings even before this

Court as was the case before the competent authority where he did not appear to explain his conduct.

8. In view of the aforesaid, no grounds are made out to interfere.

9. Dismissed.

23.05.2022
hemlata/mahavir

(ARUN MONGA)
JUDGE

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