

102

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

CWP No. 12098 of 2021
Date of Decision: 29.07.2022

Brijeshwar Singh Kanwar

-Petitioner

Versus

Punjab State Social Welfare Board and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Petitioner-in-person.

Mr. K.S. Dadwal, Advocate,
for respondent No.1.

Mr. Anil Chawla, Advocate,
for respondents No.2 and 3.

RAJ MOHAN SINGH, J. (Oral)

In compliance of order dated 11.07.2022, reply on behalf of respondents No.2 and 3 has been filed in the Court. The same is taken on record.

Admittedly, first installment towards principal amount of Rs.12,22,370/- was received by the petitioner on 10.09.2021. Payment of second installment to the tune of Rs.3,40,230/- was received on 03.02.2022. The principal amount was sanctioned by respondent No.3 and thereafter, payment was made by respondent No.1. There was a delay in releasing the principal amount. In terms of intra departmental communication between

respondents No.1 and 2, the delay has been virtually admitted in paying the amount on various bills to the petitioner. The delay had occasioned due to non-sanctioning of budget by respondent No.2.

Perusal of letter dated 20.10.2020 issued by respondent No.1 to respondent No.2 in reference to letter dated 25.09.2020 would make it clear that there was a delay on behalf of respondents No.2 and 3 in releasing the principal amount towards legal fee of the petitioner.

Precisely in the aforesaid context, respondent No.2 was directed to file an affidavit vide order dated 11.07.2022. Instead of filing affidavit, respondents No.2 and 3 have filed reply on verification.

Perusal of para no.2 of the reply would reveal the following features:-

“ The petitioner vide his letter dated 14.11.2016 and 6.12.2016 intimated Central Social Welfare Board (CSWB) regarding outstanding payment.

. Letter from Punjab State Board dated 17.5.2019 was received regarding pending bills. The petitioner vide letter dated 99.7.2019 has also requested for payment of bills. The legal

fee bills submitted by the petitioner were sent to Punjab State Board for scrutiny vide letter dated 26.11.2019 and dated 1.7.2020.

. Thereafter, on the basis of the examination of bills, the petitioner in the case was requested to certify that all the fee bills of all 43 cases submitted by him are as per the Govt. of India notification. He was also requested to provide copy of the concerned notifications vide letter dated 26.11.2019. The petitioner submitted reply on 26.12.2019.

. Punjab State Board was also requested vide letter dated 26.11.2019 to obtain fee bills of 12 cases which were not available, from the advocate and forward the same to CSWB.

. Reply of CSWB letter dated 26.11.2019 was received from Punjab State Board on 22.6.2020. On examination of documents some discrepancies were observed in the bill amount. Therefore, letter dated 01.07.2020 was sent to Punjab State Board. Reply from Punjab State Board was received on 7.7.2020. Further, letter

dated 25.9.2020 was issued to Punjab State Board for providing valid reason for delay with a copy to the petitioner.

. Reply from Punjab State Board was received on 20.10.2020. Thereafter, sanction of amount of Rs.12,22,370/- was conveyed to Punjab State Board vide letter dated 02.07.2021 for payment of fee bills.

. Secretary, Punjab State Board vide letter dated 21.1.2021 forwarded bills amounting to Rs.3,41,385/- for the period 10.5.2019 to 31.3.2020. Since the concerned file was under examination of previous bills as mentioned above, the new bills could not be processed immediately after receipt. Approval of competent authority was given on 18.11.2021 for payment of bills and accordingly letter was sent to Punjab State Board on 24.11.2021.”

Petitioner in no way connected with the intra departmental communication made between different offices. One of the sub paras shows a very pathetic state of affair when the authority requested the petitioner to provide notifications of the department. It shows that respondents were not alive to their

own notifications.

This Court is not satisfied with the reply filed by respondents No.2 and 3 in the context of explaining the delay in releasing the amount to the petitioner.

This writ petition is disposed of by directing the respondent No.2 to release the interest component @ 9% per annum from the day when the payment of principal amount became due till final realization of the amount. Needful shall be done within a period of one month from the date of receipt of certified copy of this order.

29.07.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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| 1. Whether speaking/reasoned | : | Yes/No |
| 2. Whether reportable | : | Yes/No |