

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

106+253

**CWP-17416-2020 (O&M)
Date of decision: 30.11.2022**

AMARPREET SINGH

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. A.S. Salar, Advocate
for the petitioner.

Mr. Vipul Aggarwal, Senior Panel Counsel
for the respondent No.1-Union of India.

Ms. Niharika Sharma, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

CM-15516-CWP-2022

The instant application has been filed under Section 151 of the Code of Civil Procedure, 1908 for placing on record the reply filed on behalf of respondent No.1.

Application is allowed as prayed for and reply on behalf of respondent No.1 is taken on record.

CWP-17416-2020

The present writ petition had been filed under Articles 226/227 of the constitution of India for issuance of a writ in the nature of Certiorari for quashing of advertisement of extension dated 01.08.2020 (Annexure P-2), impugned letter dated 02.09.2020 (Annexure P-6) and impugned draw list dated 15.09.2020 (Annexure P-8) and a further prayer to issue a directions to the respondents to grant the benefit of subsidy to the petitioner as advertised in Annexure P-2.

Learned counsel for the respondent-State has made a reference to Para 1 of the preliminary submissions incorporated in the reply by way of affidavit filed by Surjit Singh Walia, Chief Agriculture Officer, Fatehgarh Sahib on the behalf of respondents No.2 & 3 which reads thus:-

“Accordingly the Computer Lottery draw was held on 15.09.2020 for selection of 160-applications out of 320-applications being 50% of the total application, in compliance of the Government instruction dated 02.09.2020 and the draw was held in the presence of Additional Deputy Commissioner and all other members of district level committee, with the help of NIC Computer Programmer through Excel-format. The list of 160-applications was finalized for giving subsidy on Super Seeder. The list was uploaded on the website of District Administration Fatehgarh Sahib NIC site: fatehgarh.sahib.nic.in (Annexure R-3/T). Thereafter vide letter department subsidy dated 31.10.2020 the further sanctioned to 72 applicants on 31.10.2020 in District Fatehgarh Sahib, which were accordingly considered and sanctioned by the Department to the first 72 applicants, who were in waiting list of remaining 160 applicants. Further 25 Super Seeders subsidy was allowed by the department in District Fatehgarh Sahib on 20.11.2020 which were sanctioned to the next 25- candidates in the list. It is pertinent to mention here that out of 160 candidates selected through Computer Draw System, 30 applicants refused to get benefit of the scheme. In this manner the list of 320 applications for subsidy stands exhausted upto i.e. 257 applications, $160+72+25=257$. NOW 63- applications were pending out of the total 320 applications, to whom also the department has sanction subsidy for super 02.12.2020 seeder and vide the list name

dated the of petitioner is also included in the list at Serial No. 277. In this manner all the 320-applications have been considered and allowed by the Department out of which 30 applicants have refused to avail the benefit of the scheme. Therefore the grievances of the petitioner stands redressed/resolved and no cause of action survives in the present writ petition in view of the abovesaid submissions and as such the writ petition may kindly be dismissed.”

It is contended by the learned State counsel that the name of the petitioner is at Serial No.277 in a total of 320 persons who were found eligible for release of subsidy and that the needful would have already been done by the Department concerned.

Learned counsel appearing on behalf of the petitioner contends that he does not have instructions as to whether the due subsidy has been released in favour of the petitioner or not. He however contends that he would be satisfied in case the respondents are directed to ensure that in the event the subsidy has not been released so far, the same is disbursed in a time bound manner. Learned State counsel has no objection to the same.

Accordingly, the present petition is disposed of with a directions to the respondents to release the subsidy as found payable to the petitioner in terms of the preliminary submissions and preferably within a period of 03 months from today, if not released already.

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

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 30, 2022

Vishal sharma

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