

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

122

CWP-20686 of 2022

Date of decision: 12.09.2022

Baljit Singh Chahal

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Sharwan Sehgal, Advocate for the petitioner.

VIKAS SURI, J. (Oral)

This is a petition under Article 226 of the Constitution of India seeking a writ in the nature of mandamus directing the respondents to pay to the petitioner the amount that was illegally recovered and retained along with interest @ 18% per annum as well as interest on delayed payment of other retiral benefits that were withheld on account of disputed recovery.

The facts in brief are that the petitioner was appointed as Sectional Officer on 11.09.1974, in the department of Irrigation and after attaining the age of superannuation, retired on 30.04.2010. It is averred that on account of grudge nursed by his jealous colleagues, an enquiry was marked against him and an amount of Rs.92,023/- was recovered from the gratuity of the petitioner pending enquiry. It is submitted that the said enquiry has culminated vide final report dated 17.12.2018, whereby the petitioner was exonerated. Thereafter, noticing the aforesaid fact vide letter dated 12.02.2019 (Annexure P-3), clearance for making payment to the agency for the work done was also given. The relevant portion of the said letter reads as under:-

“2. In compliance of the directions given by you vide your office letter No.i), Sh. Baljit Singh Chahal, Sub Divisional Officer (retired) was afforded an opportunity of being heard and with this same opportunity was given to Sh. Sohan Lal Bhanot, Sub Divisional Officer (Retired) and Sh. Brij Mohan Anband, Assistant Engineer (Retired) and the statements of these officers/employees were reduced into writing on 8.2.2019 (Copies of statements enclosed).

3. While perusing the statements of concerned officer/employees and the points highlighted in the final enquiry report of the undersigned, it has become clear that the carelessness committed by these officers at any level in this case cannot be denied. This situation is the result of personal grudge between these officers/employees.

4. The estimate of RD 203650/3-L to the tune of Rs.3,31,341/- was passed by the Chief Engineer/Drainage, Irrigation Department, Punjab Chandigarh vide his letter No.1016/3Floods dated 14.3.2008 in which 2.27 metric ton wire was provided and estimate of RD 203450/3-L to the tune of Rs.3,39,579/- was sanctioned by the Chief Engineer/Drainage, Irrigation Department, Punjab Chandigarh vide letter No.1016/3Floods dated 14.3.2008 wherein 2.33 metric ton wire was afforded. The total of this comes to 4.60 metric ton. As per record the quantity of purchased wire is 2.380 metric ton for the concerned work of the agency and the wire given from the stock of Baljit Singh Chahal is 2.226 metric ton and the total of which is 4.606 metric ton. The quantity mentioned in the estimate and the wire used in the work is tallied with each other. Apart from this, it is also pertinent to mention here that the rate of proposed wire in the estimate was taken as per stock issue rate and with this no financial loss seems to have been proved.

Keeping in view the above situation, on the basis of findings of committee formed by Chief Engineer, Ludhiana Drainage Division, Ludhiana vide its letter No.162-

66 dated 26.3.2018 (photocopy enclosed) and the Chief Engineer/Drinage, Irrigation Department, Punjab Chandigarh vide letter No.852/3 Floods dated 19.2.2009 sanctioned the rates of Dhatt Co-operative Society and the work done by the agency and the quantity mentioned in the bills after comparing with the measurement by the present section incharge in accordance with the sanction, the orders may be issued for making the due payments.”

After the above noticed proceedings had taken place, terminal benefits except for an amount of Rs.92,023/-, was disbursed to the petitioner but without any interest for delayed payment on arrears.

Learned counsel would rely upon the dictum of the Full Bench of this Court in *A.S. Randhawa vs. State of Punjab and others, (1997) 3 SCT 468 (F.B.)* and *J.S. Cheema vs. State of Haryana and others, 2014 (13) RCR (Civil) 355*, to claim interest on delayed payment of arrears. Learned counsel has also raised a justice demand notice through counsel vide legal notice dated 25.07.2022 (Annexure P-6), which is still pending consideration.

Learned counsel, on instructions from the petitioner, has restricted his prayer, at this stage and submits that the petitioner would be satisfied in case the justice demand notice dated 25.07.2022 (Annexure P-6), is considered and decided by passing a speaking order within some stipulated time.

Notice of motion to that limited extent.

Ms. Ambika Bedi, AAG Punjab, accepts notice on behalf of the respondents and waives service. She does not raise objection to the restricted prayer made, seeking a decision on the justice demand notice, in a time bound manner.

Keeping in view the limited prayer and the circumstances arising in the case, without expressing any opinion or going into the merits of the case or the claim being made by the petitioner in the present petition or in the justice demand notice, the competent authority is directed to look into the grievance raised in the legal notice dated 25.07.2022 (Annexure P-6) and take a decision thereon in accordance with law, by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order.

Needless to observe that in case, after the decision, petitioner is found entitled for any benefits, the same be also extended to him within a period of four weeks thereafter, as per law.

The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

September 12, 2022
Ajay

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