

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4415-2023 (O&M)

Date of decision: 03.03.2023

Goverdhan Gopal

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Saksham Parmar, Advocate for
Mr. Vivek K Thakur, Advocate for the petitioner

Mr. Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. This writ petition has been filed with the following
substantive prayers:-

“(i) Writ, order or direction especially
a writ in the nature of mandamus directing the
respondents to act upon the Speaking order
(Annexure P-11) by making the payment of the
admissible dues on account of salary, allowances, and
hiring charges of the car which was overdue from the
last more than 5 years and not released by the
respondent no.4 on the pretext that the Zila Parishad
is facing shortage of funds: and
(ii) Further directions to the respondent no.2 and 4
to file their respective affidavits with regard to the
release and receipt/earning of income by the
respondent no.4 during the last 5 years from 2017
onwards with the further directions to release the
payment of admissible dues of the petitioner as
mentioned in the letters (Annexure P-4 to P-8 and
Speaking Order Annexure P-11) in a time bound
manner alongwith interest @ 12% per annum from
the due date till its actual realization.”

2. In substance, the petitioner claims that he worked as the Chairman of the Zila Parishad, Pathankot, however, neither his honorarium has been paid nor the car allowance, to which the petitioner was entitled, has been paid. The petitioner previously also filed a writ petition, which was disposed of, while directing the respondents to consider his claim. Subsequently, he filed a contempt petition. During the pendency of the contempt petition, a detailed order (Annexure P-7) was passed by the Chief Executive Officer, wherein it has been stated that as and when the Zila Parishad will get the funds, the payment of Rs.7,25,594/- towards the petitioner's honorarium shall be made, on priority basis.

3. As regards the car allowance, it has been observed that the payment can be made only after verifying the fact that the car was actually used in the public interest.

4. Notice of motion.

5. At the request of the Court, Mr. Vikas Arora, AAG, Punjab, accepts notice on behalf of the respondents and on instructions from Ms. Ramanpreet Kaur, Legal Assistant, Rural Development and Panchayat, Head Office, submits that the amount of honorarium payable to the petitioner shall be released, after the next budget is passed, as at present, the Zila Parishad has no funds. It is further submitted that the Government has to verify the correctness of the petitioner's claim with respect to the car allowance.

6. Keeping in view the aforesaid facts, the writ petition is disposed of in terms of the statement made by the learned State counsel. However, for claiming the amount of car allowance, the petitioner, if so advised, may avail the alternative remedy.

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

03.03.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE