

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

113

CWP-12707-2023

Date of decision: 02.06.2023

ROSHAN LAL

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

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

Present :- Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Narender Kumar Vashist, Senior Panel Counsel
for the respondents No.1 to 3-Union of India.

VINOD S. BHARDWAJ, J. (Oral)

The present petition raised a challenge to the award dated 12.11.2022 (Annexure P-2) passed by the National Lok Adalat vide which the retiral benefits of the petitioner was ordered to be attached as a recovery in the Civil Suit that has been filed by respondent No.4 had been disposed of in terms of the compromise arrived at between the parties. The petitioner herein was the defendant in the said suit and had got his statement recorded to the effect that he had no objection in case the amount was deducted from his salary/pension in 56 equated installments of Rs. 7,000/- each. However, notwithstanding the aforesaid statement, the respondent-department is deducting the entire amount in one go.

On being confronted with the fact that the above said reason cannot be a ground to challenge the award dated 12.11.2022 and

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the grievance, if any, is only against the department for misapplying and/or misinterpreting the above said award, counsel for the petitioner does not press the instant petition so far as the award dated 12.11.2022 is concerned. He, however, contends that the respondent-department may be directed to consider the present writ petition as a representation and an appropriate decision be taken on the deduction that is being made after granting an opportunity of hearing to the petitioner/the respective parties and taking into consideration the award passed by the National Lok Adalat.

Mr. Narender Kumar Vashist, Senior Panel Counsel appears on behalf of respondents No.1 to 3-Union of India and has no objection to the aforesaid prayer.

In view of the consensus amongst the parties and without commenting on the merits of the present case, the present petition is disposed of and the respondents No.1 to 3 shall decide the instant writ petition as a representation within a period of 3 months of receipt of certified copy of this order after affording an opportunity of hearing to the respective parties. Till such time that a decision is taken on the said writ petition/representation by the competent authority, deduction from the pension/service benefits of the petitioner shall be made @ Rs. 7000/- per month as per the order of the National Lok Adalat.

(VINOD S. BHARDWAJ)
JUDGE

JUNE 02, 2023*Vishal sharma*

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