

230

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

CWP-26327-2015 (O&M)
Date of decision: 12.07.2023

Head Constable Jai Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Shekhar Verma, Advocate and
Mr. Sidhant Bhonsle, Advocate for the petitioner.

Mr. Amandeep Joshi, DAG, Haryana
for respondent Nos.1 to 4.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari and mandamus for quashing the order of recovery of penal rent chosen to be imposed upon the present petitioner vide order dated 22.03.2013 (Annexure P-8). With a further prayer for directing the respondents to refund the amount already deducted from the salary of the petitioner.

2. Learned State Counsel has submitted that in pursuance of the earlier order passed by a Coordinate Bench of this Court, order dated 09.05.2023 has been passed by the Superintendent of Police, Kurukshetra. Relevant portion of the same has been reproduced as under:-

“The Hon’ble Punjab and Haryana High Court vide their order dated 17.11.2022 had passed order that amount of panel rent already been recovered from the salary of petitioner may

be refunded to him. Now, Govt. of Haryana vide their office letter memo No.8/138/2014-6HG-1 dated 25.04.2023 which were conveyed by the Director General of Police, Haryana vide their office letter Endst. No.2649/Acctts-3 dated 03.05.2023, that Govt. agree with the proposal regarding waiving off the entire amount to Rs.5,93,200/-. Out of Rs.5,93,200/- a sum of Rs.1,08,898/- already recovered from him and balance amount of Rs.4,94,102/- are to be waived off. In the light of judgment of above CWP a sum of Rs.1,08,898/- are to be refunded back to HC Jai Kumar No.743/KKR (Now 575/KKR). Hence, Accountant, DPO, Kurukshetra is hereby directed to refund back the amount of Rs.1,08,898/- which were already recovered from the salary of HC Jai Kumar No.743/KKR (Now 575/KKR) with immediate effect.

Issue order in OB.

*Sd/- (Surinder Singh Bhorla), IPS
Superintendent of Police,
Kurukshetra, 9/5/23”*

3. Learned State Counsel has further submitted that an amount of Rs.1,08,898/- has already been returned to the petitioner and thus, in view of the same, the present Civil Writ Petition has been rendered infructuous.

4. In view of the above, the present Civil Writ Petition is disposed of as having been rendered infructuous.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

12.07.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No