

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

**CWP-9052-2016 (O&M)
DECIDED ON: 30.11.2023**

SATYAVIR SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Devender Arya, Advocate
for the petitioner.

Ms. Safia Gupta, AAG Haryana.

Mr. Hitesh Pandit, Advocate and
Ms. Suman Rani, Advocate for respondents No.2 to 4.

SANDEEP MOUDGIL, J (ORAL)

CM-4429-2020

Prayer in this application to place on record the No Dues Certificate
alongwith Store Return Warrant and replication to the reply filed by respondent
Nos.1 to 4.

For the reasons mentioned in the application, the same is allowed and
No Dues Certificate alongwith Store Return Warrant and replication are taken on
record with just exceptions.

CWP-9052-2016

1. The jurisdiction of this Court has been invoked under Articles 226/227
of the Constitution of India for issuance of a writ in the nature of certiorari for
quashing the letters dated 10.09.2015, 29.12.2015 and 29.01.2016 (Annexure P-1

colly) vide which an amount of Rs.13,298 was demanded and leave encashment to the tune of Rs.2,56,000/- has been withheld.

2. The contention raised before this Court on behalf of the petitioner is specific and limited to the aspect that before making any deduction or withholding of leave encashment, the principle of natural justice has not been followed, inasmuch as neither any inquiry has been conducted nor loss, if so occurred to the respondent has been made available to the petitioner.

3. To counter the assertions of the petitioner, the respondents No.2 to 4 have filed a written statement stating in para 3 of the same that due notices were issued to the petitioner on various dates including memos dated 28.08.2006, 25.03.2008, 07.01.2009, 15.01.2009, 20.02.2009 and 11.09.2009, but the petitioner has not replied to the same and only a representation came for the first time from the petitioner on 30.03.2015.

4. To the said stand taken by the respondents, the petitioner has filed a replication to say in para 3 on merits that though, he received the notices as mentioned in the corresponding paragraph to which he duly replied, but thereafter, neither any reply was given to the petitioner nor any adverse order has been passed after his representation and in fact straightway ordered withholding the amount of leave encashment to the tune of Rs.2,56,000/- without any justification and even without assessing the loss, if any occurred making the petitioner liable departing from his legitimate dues.

5. This Court countered the respondents specifically qua above factual position to which Mr. Hitesh Pandit, learned counsel for respondents No.2 to 4 could not controvert the said fact, who rather candidly submits that there was no regular inquiry conducted against the petitioner and in fact calculation of loss is also not available on record, therefore, seeks for the liberty to look into the matter afresh

by conducting a regular inquiry and accordingly to proceed against the petitioner, if he is found liable to pay the loss occurred, if any.

6. In the light of the stand taken by Mr. Pandit, the letters dated 10.09.2015, 29.12.2015 and 29.01.2016 (Annexure P-1 colly) are hereby quashed.

7. However, respondents will be at liberty to initiate afresh against the petitioner by following due procedure of law and specifically adhering to the principles of natural justice. In case, the departmental proceedings are not initiated afresh and completed within a period of three months from the date of receipt of copy of this order, the petitioner shall be entitled to the release of the amount i.e., 2,56,000/-, which has been withheld, alongwith interest @ 9 % per annum from the date it became due till the date of its realization.

8. Petition stands disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

30.11.2023

Meenu

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