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

CWP-26554-2023

Date of Decision: 13.12.2023

Satinderpal Singh

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. R.S. Dadwal, Advocate,
for the petitioner.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Learned counsel for the petitioner submits that the amount recovered from him is wrongful and unjustified. It is stated that a writ petition bearing No.CWP-1415-2021 was filed before this Court claiming interest on the delayed payment of GPF amount which was to be paid in November, 2018, and was paid actually on 24.11.2020. The stand of the respondent/State was that the delay has occurred on account of procedure and thus there was no such averment on the part of the State Government that delay has occurred on the part of the petitioner. The High Court passed an order in the said writ petition directing to pay the interest @6% p.a. on the delayed payment of GPF. The respondents/State paid the amount to the concerned petitioner, and have directed to recover the said amount from the petitioner herein.
2. Learned counsel submits that no show cause notice was served upon before making recovery of the interest amount from the petitioner. It is

further submitted that the order of making recovery has been passed by the District Development and Panchayat Officer, Roopnagar, who is not competent to pass the order. Learned counsel thus submits that the order has been passed without complying with the principles of natural justice.

3. Learned counsel further submits that the petitioner cannot be said to be guilty of causing the delay, as the delay was on the part of the Head office, and delay on his part can be at best made out only for one month as the token was not released from the treasury office.
4. I have considered the submissions.
5. This Court finds that the State Government after having paid the interest on the delayed payment of GPF amount to the concerned petitioner in terms of the directions of this Court, passed an order directing to make its recovery from the responsible officer/official on the basis of enquiry as per record. In this connection, show cause notice was given to the petitioner by the Deputy Secretary, Punjab Government on 20.04.2023. Receipt of the said show cause notice was also taken on 24.04.2023 and the petitioner has submitted his defence and also answered to the reasons of delay. The said reply filed by the petitioner was examined and enquiry was conducted in terms of directions issued by the Director by the office of District Development and Panchayat Office, and it was found that the petitioner was responsible for the delay in release of the GPF amount, and therefore in terms of the orders passed by the State Government, recovery was directed to be made from the concerned officer namely the petitioner.
6. Thus, the order is passed by the Block Development and Panchayat Officer in compliance of the directions issued by the State Government and the Director, Rural Development and Panchayat Department, as is reflected

from the order dated 12.07.2023, and accordingly the Block Development and Panchayat Officer informed the District Development and Panchayat Officer regarding binding the petitioner to deposit the amount in lump sum. But it appears that the petitioner did not deposit the amount and has challenged the same before this Court.

- 7. Having noticed the aforesaid facts, this Court is satisfied that adequate opportunity of hearing has been given to the petitioner and the authorities have reached to a conclusion after enquiry that the petitioner was responsible for the delay.
- 8. In view thereof, no interference is warranted.
- 9. Writ Petition is accordingly *dismissed*.

(SANJEEV PRAKASH SHARMA)
JUDGE

December 13, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |