



CWP-799-2000 (O&M)
& connected cases

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CWP-799-2000 (O&M)
Date of Decision :13.08.2024

Piara Singh Bhatti

...Petitioner

Versus

State of Punjab and others

...Respondents

CWP-5751-2000 (O&M)

Sukhdev Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CWP-5902-2000 (O&M)

Santokh Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CWP-5927-2000 (O&M)

Prabhjit Singh

...Petitioner

Versus



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State of Punjab and another

...Respondents

CWP-6337-2000 (O&M)

Gurmit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Rupinder Thind, Advocate for the petitioner
in CWP-799-2000.

Ms. Manveen Kahlon, Advocate with
Mr. Vipul Kansal, Advocate for the petitioners in
CWPs-5902,5751,5927 & 6337-2000.

Mr. Charan Preet Singh, AAG, Punjab

* * *

Harsimran Singh Sethi, J. (Oral)

By this common order, above mentioned writ petitions are
being disposed of as all the writ petitions involve same question of law on
similar facts.

For the purpose of this order, facts are being taken from CWP-
799-2000 titled as **Piara Singh Bhatti vs. State of Punjab and others**

In the present petition, challenge is to the order (Annexure P/9)
by which, the recovery was being done from the petitioner, who was a driver
on the ground that the respondent-department had to pay the claimants
before the Motor Accident Claims Tribunal keeping in view the accident,



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which the petitioner has caused.

While issuing notice of motion, Division Bench of this Court stayed the operation of the impugned order vide order dated 24.01.2000 and thereafter, the writ petition was admitted on 27.08.2002 and the interim order was ordered to be continued.

Learned counsel for the petitioner submits that the petitioner had already retired from service and has already been paid his retiral dues hence, the respondents be directed not to effect the recovery from the petitioner any further.

Learned counsel for the respondents submits that once, the petitioner has caused the accident due to which, the department had to pay before the Motor Accident Claims Tribunal, the department is well within its right to reclaim the said amount from the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present petition, the petitioner claims that he has been wrongly involved in the MACT claim though, in the criminal proceedings initiated qua the same incident against the petitioner being the driver of the Jeep that caused the accident belongs to the respondent-department, the petitioner has already been acquitted and hence, once, in the criminal proceedings the petitioner has not been held guilty without dealing with the fact whether the petitioner was driving the Jeep in question or not, no penalty could have been imposed upon the petitioner by the respondents. It

has already come on record that no departmental enquiry has been conducted



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to find out whether the petitioner was driving the jeep in question. In the absence of any such departmental proceedings conducted against the petitioner, merely on the ground that MACT has awarded amount in favour of the claimants, the petitioner cannot be held liable to pay the amount when in the criminal proceedings the petitioner has already been acquitted on the ground that he was not a driver of the jeep in question. Once there are contradictory orders passed by the Motor Accident Claims Tribunal and competent Court of law dealing with the same incident on the basis of the FIR registered, respondents were bound to hold disciplinary proceedings to find out the truth before imposing penalty by placing reliance upon the order passed by MACT and by ignoring the verdict in criminal case faced by the petitioner.

Further, the petitioner has already been retired from service since long and he must be in his late seventies and as of now asking him to refund the said amount will cause financial distress to him, which should not be done from a retired employee hence, the respondents are directed not to give effect to the impugned order any further keeping in view the facts and circumstances of the present case.

Factual aspects in other petitions are also same as the petitioners therein have also been acquitted in the criminal case, which fact has gone un rebutted at the hands of the State counsel.

Keeping in view the facts and circumstances as recorded hereinbefore, all the writ petitions stand disposed of in above terms.

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Civil miscellaneous application pending, if any, is also disposed of.

A photocopy of this order be placed on the files of connected cases.

August 13, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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