

CWP-9841 of 1998

2024:PHHC:141999



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

CWP-9841 of 1998

Date of decision: 29.10.2024

Som Nath Gandhi

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Ms. Shefali, Advocate,
for Mr. Arjun Partap Atma Ram, Advocate,
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Ms. Kavita Arora, Advocate,
for respondents No.3 and 4.

NAMIT KUMAR, J. (ORAL)

1. Instant petition has been filed under Articles 226/227 of the Constitution of India for quashing the orders dated 22.04.1997 whereby punishment of recovery from the pay and other dues of the petitioner to the extent of 50% has been ordered and action of the respondents in not releasing the other retiral benefits of the petitioner, who retired on 31.12.1997 and also in not deciding the appeal of the petitioner and for directing the respondents to release the full retiral benefits of the petitioner with interest @ 24% per annum.

2. On the last date of hearing i.e. 26.09.2024 following order was passed by this Court: -

“Ms. Kavita Arora, Advocate has filed her power of attorney on behalf of respondent No.4 in the Court, which is taken on record.



Perusal of file shows that the petitioner has died and neither of the parties have impleaded the LRs of the petitioner.

*Learned counsel for the petitioner has relied upon the judgment of this Court in **Ex Naik Bhag Chand Vs. Director General of Police, CRPF and others : 2024NCPHHC 20629**, whereby it has been held that no recovery can be effected from the LRs of the deceased.*

Learned State counsel seeks an adjournment to get instructions from respondents No.1 and 2 as to whether the department is still want to pursue the recovery ordered against the petitioner vide impugned order dated 22.04.1997 in view of the change in circumstances or not.

Adjourned to 29.10.2024.”

3. Learned State counsel, on instructions from respondent No.2, submits that the petitioner has died and his LRs have not been brought on record by either of the parties.
4. On 04.05.1999, it was ordered that no recovery shall be effected from the petitioner. In this view of the matter, it is ordered that no recovery shall be effected from the legal representatives of the petitioner in view of the law laid down in **Ex Naik Bhag Chand’s** case (supra).
5. Disposed of accordingly.

29.10.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No