



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

381

CWP-8303-2001 (O&M)

Date of decision: 24.05.2024

Ram Prasad

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ashok Sharma Nabhewala and Ms. Gauri Sharma, Advocates
for the petitioner

Mr. Arun Gupta, DAG Punjab

AMAN CHAUDHARY. J. (ORAL)

1. The prayer made in the present petition is for directing the respondents to release the DCRG of the petitioner with interest.
2. Learned State counsel refers to para Nos.1 and 2 of the preliminary submissions, which read thus:

“1. That the petitioner claims that his DCRG be released to him alongwith interest. In this regard, it is respectfully submitted that the Education Department had to pay a sum of Rs.86150/- due to the negligent act of the petitioner to one Smt. Sudesh Kumari J.B.T. Teacher working in Dera Bassi Block of district Patiala. In the year 1977, the petitioner had relieved the above said teacher from service without obtaining the approval of the competent authority and petitioner being the clerk was not competent at all to relieve the said teacher from service and consequently the Department had to and pay a sum of Rs. 86,150/- to the above said teacher in view of the litigation instituted by the said teacher the Department. Earlier the petitioner had filed C.W.P.No.19351/97 before this Hon'ble Court Which deciding the above said writ petition this Hon'ble Court was pleased the following order on 11.3.1998 :-

"The petitioner is working as a Junior Assistant, in the Education Department. He is aggrieved by the order dated December 3, 1997 by which directions for recovery from his salary were issued. The petitioner alleges that the order is violative of the principles of

natural Justice.

Mr.Berry appears for the respondents and states that an amount of Rs.43,075/- is actually due from the petitioner. He submits that the matter shall be decided afresh hearing the petitioner.

In view of the above, this writ petition has been rendered infructuous. It is accordingly dispose of.

No.costs."

2. That in compliance to the above order of this Hon'ble Court, the petitioner was provided an opportunity of being heard to defund his case on 11.9.2001 by the Director Administration Office of the Director of Public Instruction (S), Punjab Chandigarh. After having heard the petitioner and taking into account the arguments put forth by the petitioner in his defence, a detailed speaking order bearing No.11/5-98 M.E.dated 26/29-11.2001 has been passed and conveyed to the petitioner. A copy of this order is being appended as Annexure R-1 here to. As per this order the petitioner has been held responsible for his negligent act due to which the Department had to pay a sum of Rs.86150/-. However, taking a lenient view, in view of the retirement of the petitioner, the financial loss accassioned to the Govt. has been divided equally between the petitioner and the then Block Primary Education Officer, Dearbassi (Patiala). After deducting the Govt.dues, the DCRG of the petitioner due to him has been released and paid the petitioner. A copy of the receipt thereof is being appended as Annexure R-2."

3. In view of the above, the present petition is disposed of giving liberty to the petitioner to get it revived, in case need arises.

(AMAN CHAUDHARY)
JUDGE

24.05.2024
M.Kamra

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