

2024:PHHC:114616



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

205

CWP-17501-2017 (O&M).
Date of Decision: 03.09.2024.

SUB POST MASTER, POST OFFICE KHORI, TEHSIL AND
DISTRICT REWARI AND OTHERS

.. Petitioners

Versus

AASHISH KUMAR AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Piyush Khanna, Advocate,
for the petitioners.

Mr. Sandeep Verma, Advocate,
for respondent No.1.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present writ petition is to the award dated 14.05.2016 (Annexure P-3) passed by the Permanent Lok Adalat (Public Utility Services), Rewari in case No.112 of 2015, whereby the petitioner-Sub Post Master has been directed to pay an amount of Rs. 1,10,000/- along with interest @ 12% per annum and further a sum of Rs.20,000/- has been awarded as compensation.

2 An argument has been advanced on behalf of the petitioner that the award passed by the Permanent Lok Adalat (Public Utility Services),

2024:PHHC:114616



Rewari is liable to be set aside as the mandatory procedure prescribed under Sections 22-C (4) to 22-C (7) of the Legal Services Authorities Act, 1987, has not been adhered to hence, the award is unsustainable. He places reliance on the judgment of the Hon'ble Supreme Court in the matter of **Canara Bank Versus G.S. Jayarama, (2022) 7 Supreme Court Cases 776**, wherein it has been specifically held that the procedure prescribed under Sections 22-C (4) to 22-C (7) of the Legal Services Authorities Act, 1987, is mandatory before initiating adjudication under Section 22-C (8) of the Act.

3 On the other hand, learned counsel for the respondent No.1 contends that the proceedings have remained pending for a substantive period and that the petitioner was required to produce the record to show that the respondent No.1-applicant was not a nominee of Nirmala Devi. He contends that the dues had been wrongly retained by the petitioner-Post Office and that the respondent No.1-applicant has been prejudiced on account of non-payment of the same. He, however, fairly submits that there is no reference to any conciliation proceedings in the impugned award. He also does not dispute the ratio of the judgment laid down in the matter of **Canara Bank Versus G.S. Jayarama (supra)**.

4 Under the given circumstances, this Court is not inclined to examine the merits of the present case since the parties fairly admit that the mandatory procedure of conciliation as envisaged has not been adverted to while adjudicating the controversy and that conciliation is a pre-requisite to

2024:PHHC:114616



exercise jurisdiction under Section 22-C (8) of the Legal Services Authorities Act, 1987.

5 The present writ petition is accordingly disposed of at this stage without commenting on the merits of the case lest it may cause prejudice to the claims of the respective parties. The award dated 14.05.2016 (Annexure P-3) passed by the Permanent Lok Adalat (Public Utility Services), Rewari in case No.112 of 2015 is set aside. A direction is issued to the Permanent Lok Adalat (Public Utility Services), Rewari that the matter be decided afresh expeditiously and within a period of four months of the date fixed by this Court for appearance of the parties after granting an opportunity of hearing to the respective parties. The parties are directed to appear before the Permanent Lok Adalat (Public Utility Services), Rewari on 01.10.2024 which shall then proceed further as per law.

6 It is also directed that the amount of Rs.1,10,000/- that was initially awarded shall be kept in a time deposit account so as to fetch the highest rate of interest till the proceedings amongst the parties are finally decided, so that rights of the parties are protected. The deposit shall be subject to final orders by the Permanent Lok Adalat (Public Utility Services), Rewari.

2024:PHHC:114616



7 Pending, misc. application(s), if any shall also stand(s) disposed of accordingly.

September 03, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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