

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17280-2018 (O&M)
Date of decision: 29.02.2024

Gurdeep Singh
.....Petitioner

Versus

State of Punjab and Others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. P.S. Khurana, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Devansh Gupta, Advocate
for Mr. Rahul Arora, Advocate
for respondent No.4.

NAMIT KUMAR J. (Oral)

The present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to pay the salary of the petitioner for the period detailed in Para 7 of the petition amounting to Rs.7,14,365/- as well as the retiral dues such as gratuity and leave encashment along with interest as the petitioner had superannuated on 31.01.2016.

In pursuance to notice of motion order, separate replies have been filed on behalf of the respondents.

In the reply filed by respondent No.4, a preliminary objection has been taken with regard to maintainability of the present writ petition and on merits, it has been stated as under:-

“4. That the petitioner has concealed the material facts from this Hon'ble court while filing the present petition. It is submitted that the financial condition of the answering respondent/society had been deteriorated and as per the balance sheet ending 31.03.2015, the society was into net loss of Rs. 1267136.48 and into loss of Rs. 1226104.92 for the year ending 31.03.2016. Because of the deteriorating and fragile financial conditions of the society arrears of salary of petitioner and one another employee namely Jaswant Singh was outstanding and the society has been paying the same in installments. It is submitted that vide resolution dated 11.09.2018 a sum of Rs. 57512/- credited in the account of petitioner and further vide resolution dated 13.10.2018 it was decided to credit another sum of Rs. 25000/- in the account of the petitioner and also decision has been taken to credit a sum of Rs. 5000/- per month in the account of Sh. Jaspal Singh, retired Secretary and petitioner. The petitioner has not disclosed these facts before this Hon'ble Court.”

In view of the stand taken by the respondents with regard to maintainability of the present writ petition, learned counsel for the petitioner wishes to withdraw the present petition with liberty to avail other legal remedies, in accordance with law.

(NAMIT KUMAR)
JUDGE

29.02.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No