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

CWP-2061-2018

Date of Decision:02.04.2024

RAMESH SINGH

..... Petitioner

Versus

FOOD CORPORATION OF INDIA AND OTHERS Respondents**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr. Ashwani Gaur, Advocate and
Ms. Shivangi Sharma, Advocate
for the petitioner.

Mr. Vipin Yadav, Advocate
for respondents No.1 to 4.

Mr. Mukesh Kumar Verma, Advocate
for respondent No.5.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside/modification of order dated 09.06.2017 (Annexure P-6) whereby his 50% salary has been released to his mother.

2. The petitioner on 01.07.1992 joined respondent-FCI as Watchman on compassionate ground. On 27.01.1992, his mother lodged a complaint in the office of respondent alleging that petitioner is not taking care of her. In the inquiry, it was revealed that mother of the petitioner is not willing to live with him and she wants to stay with her younger son. His mother agreed to receive a sum of ₹5,000/- per month. She further agreed to withdraw her complaint. A sum of ₹5,000/- per month came to be paid to petitioner's mother. It continued for 3 months.

His mother again lodged a complaint dated 06.08.2014. This time complaint was lodged under Maintenance and Welfare of Parents and Senior Citizen Act, 2007. Sub Divisional Magistrate, Samalakha vide order dated 29.02.2016 directed the petitioner and his brother to pay a sum of ₹2,500/- per month to their mother. Petitioner's mother again lodged complaint dated 11.07.2016 with respondent. On the said complaint, the respondent by impugned order has ordered to withhold 50% of salary and pay to petitioner's mother.

3. Mr. Ashwani Gaur, Advocate submits that petitioner is not deflecting from his responsibility to take care of his mother, however, deduction of 50% for maintenance is exorbitant. He is suffering from cancer and having two children. His mother is staying with her younger son who is also earning handsome. At the time of passing of impugned order, he was getting salary ₹29,248/- per month and at present his salary is approximately ₹90,000/-. Deduction of 50% for maintenance of one member is not just, fair and reasonable.

4. Mr. Vipin Yadav, Advocate submits that as per appointment letter, the petitioner is duty bound to take care of his mother. He was appointed on compassionate ground, thus, respondent has rightly ordered to deduct 50% towards maintenance of his mother.

5. On being pointed out, Mr. Vipin Yadav, Advocate conceded that impugned order was passed without granting opportunity of hearing to the petitioner. He further conceded that at present petitioner is getting salary approximately ₹90,000/- and 50% of said amount is regularly paid to his mother.

6. Mr. Mukesh Kumar Verma, Advocate submits that he has no

contact with his client. She is not coming forward to disclose her present status.

7. I have heard the arguments of both sides and with the able assistance of learned counsels have perused the record.

8. Concededly, the impugned order was passed on 23.06.2017 and at that point of time the petitioner was getting salary approximately ₹30,000/-. The petitioner is having spouse as well as two children. He is suffering from cancer. He at present is entitled to salary approximately ₹90,000/- per month. His mother is staying with her younger son who is M. Tech and an earning hand. The impugned order was passed without granting opportunity of hearing.

9. The impugned order was passed on 09.06.2017 and at that point of time salary of the petitioner was approximately ₹30,000/- whereas at present his salary is approximately ₹90,000/-. He is suffering from cancer and his mother is staying with her younger son.

10. In view of changed facts and circumstances and the fact that the impugned order was passed without granting opportunity of hearing to the petitioner, this Court finds it appropriate to direct the respondents to pass fresh order within 1 month from today after granting opportunity of hearing to the petitioner.

11. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

02.04.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>