



CWP-25879-2021 (O&M)

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238

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

**CWP-25879-2021 (O&M)
Date of Decision: 24.10.2024**

P.C. Goyal

..... Petitioner

Versus

Managing Director, Haryana Agro Industries Corporation Ltd., Panchkula
..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Padamkant Dwivedi, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of *mandamus* directing the respondent to withdraw/modify the order dated 26.08.2008 (Annexure P-1) against the petitioner as the arbitration award was passed against the miller and loss can be recovered from the miller in execution of the award as well as to release the arrears of pay as the pay scale was restored after completion of three years of reduction but arrears have not been released to the petitioner along with interest on delayed payment, with a further prayer to direct the respondents to refund/release the amount recovered from salary of the petitioner w.e.f. 01.08.2009 to 31.05.2012 along with interest @8% p.a. and to grant third ACP to the petitioner as the petitioner has retired after serving



30 years of service but the same has not been granted to him till his retirement and also to provide the pension and after granting the 3rd ACP along with arrears of revised pay and pension.

2. Learned counsel for the petitioner submitted that impugned order dated 26.08.2008 (Annexure P-1) was a punishment order with regard to reduction in the pay-scale as enjoyed by the petitioner from a period of 3 years with immediate effect and secondly for recovery of loss of Rs.24,40,506/- along with interest and for this purpose, his gratuity/terminal and other dues be appropriated and for the remaining amount, legal proceedings be initiated in an appropriate Court of law subject to the orders of the Arbitrator. He further submitted that in the present petition, the petitioner is seeking for modification/withdrawal of the impugned order (Annexure P-1) to the extent that the aforesaid amount may not be recovered from the petitioner because it is so stated in the order itself that if the Corporation is able to recover its loss from the rice miller then the recovery if effected from the petitioner is to be returned as per Rules. He also submitted that instead of proceeding against the miller for recovering the aforesaid amount it has been sought to be recovered from the petitioner.

3. On the other hand, Mr. Padamkant Dwivedi, learned counsel for the respondents submitted that he has sought instructions to state that the aforesaid amount could not be recovered from the rice miller because the proprietor of the rice mill has already died and no property was available to make recovery from the estate of the aforesaid rice miller. He submitted that even otherwise also even if the Corporation has not been able to recover the aforesaid amount, he has specific instructions to state that the Corporation



will not recover the aforesaid amount from the petitioner. He further submitted that in fact all the pensionary benefits have already been given to the petitioner and therefore, nothing would survive in the present petition. He further submitted that so far as reduction of the pay-scale is concerned, the same has not been challenged by the petitioner and therefore, the present petition is liable to be disposed of.

4. After hearing the learned counsels for the parties, this Court is of the considered view that since the prayer made in the present petition is only limited to the extent of withdrawal/modification of the order by which it was so directed that the recovery is to be made from the petitioner and in case the recovery is effected from the rice miller, then the same will be paid back to the petitioner. However, the factual position as stated by the learned counsel for the respondent is that neither any recovery has been effected from the rice miller nor the same is likely to be effected but the learned counsel has stated that the respondent-Corporation is not going to recover the aforesaid amount of Rs.24,40,506/- from the petitioner and rather the entire pensionary benefits have already been paid to him.

5. In view of the aforeaid facts and circumstances of the present case, nothing would survive in the present petition and the same is disposed of.

24.10.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |