



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

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**CWP-381-2017 (O&M)
Date of Decision : 04.09.2024**

Gurpartap Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sarabjit Singh Khaira, Advocate
for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1 In the present petition, the grievance being raised by the petitioner is that a sum of Rs. 1,70,271/- was entrusted to him and he has accounted the said money already whereas, the respondents are contending that the adjustment of the said amount has not been done by the petitioner.

2. As per the respondents, allegation is based upon the inquiry report, which has been done by a committee constituted in this regard and the said committee has made various observations against the employees, with regard to various irregularities.

3. The prayer of the petitioner is that the show cause notice which has been issued to adjust amount, should be set aside merely on the



assertion that he has already got the amount adjusted.

4. The pleadings on record show that there is a disputed question of fact which is involved in the present case as, the petitioner is alleging the adjustment of the amount whereas, the respondents on record to say that the amount has never been adjusted. As per the judgment of the Hon'ble Supreme Court Civil **Appeal No. 2846 of 2021** titled as '**Shubhas Jain vs. Rajeshwari Shivam & Ors.**', decided on 20.07.2021, it is not for the Court to adjudicate disputed question of facts. The relevant para of judgment is reiterated herein under :-

“26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”

5. Keeping in view the above, the present petition is disposed of with liberty to petitioner to avail appropriate remedy before the civil court keeping in view the fact that a disputed question of fact cannot be decided in a writ petition.

6. All pending applications, if any, stand disposed of accordingly.

04.09.2024

Satyawan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No