

278 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26981-2021

Date of Decision : 15.02.2024

Partap Singh Thakur

...Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Manoj Kumar Sharma, Advocate for the petitioner.

Mr. Amarpreet Bains, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The prayer in the present writ petition is for setting aside the impugned orders dated 04.10.2021 (Annexure P-5), 18.10.2021 (Annexure P-7) and 15.11.2021 (Annexure P-9) as also for directing the respondents to release the amount recovered from the salary of the petitioner illegally and also directing respondent Nos.1 and 2 to recover the amount of penal interest from the loanee employee-respondent No.3.

2. Learned counsel for the petitioner submits that the recovery of the loan availed by respondent No.3 was being effected from the petitioner, who was working as Junior Assistant on account of the fact that the said amount was not being paid by him. Some amount was recovered from the petitioner also whereafter by way of interim order, the recovery from him was stayed. He has otherwise submitted a representation to the Additional Chief Secretary Cooperation on 15.11.2021 by referring to the Rules that the said amount could have also been recovered from the gratuity amount of respondent No.3, who was working as a Peon and had given an undertaking. During the interregnum, the entire amount due has been paid including the penal interest by respondent

No.3 to the Department. He, at this stage, submits that the said representation be decided keeping in view this above subsequent development and he be granted an opportunity of hearing.

3. Learned State counsel has no objection to the aforesaid limited prayer.

4. In view of the aforesaid and without commenting upon the merits of the case and taking note of the Rules mentioned in the representation as also the fact of amount having been deposited by respondent No.3, the representation dated 15.11.2021 be considered and decided by the respondents, within a period of four months and if found entitled, necessary relief be granted to him forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner therewith.

5. If it is found that there was some amount that was wrongly recovered from the petitioner, be also refunded to him.

February 15, 2024
ps/hemant

(AMAN CHAUDHARY)
JUDGE

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