

**(2011) 08 P&H CK 0213**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Civil Writ Petition No. 15900 of 2011

Azad Singh Dalal

APPELLANT

Vs

State of Haryana and another

RESPONDENT

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**Date of Decision:** Aug. 29, 2011

**Citation:** (2011) 3 RCR(Civil) 866

**Hon'ble Judges:** Ranjit Singh, J

**Bench:** Single Bench

**Final Decision:** Dismissed

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**Judgement**

Ranjit Singh, J.

The petitioner was accused of claiming house rent allowance by showing his stay at Sonapat, whereas he was going up and down to Rohtak. He, thus, claimed house rent of Rs. 42,665/-. The petitioner was further accused of misusing the Government money and misappropriating in purchasing the shading net. Third charge against the petitioner was for embezzling an amount of Rs. 2,59,875/-for purchasing tissue culture banana plants at the rate of Rs. 16.10 paise instead of Rs. 10/-and he purchased more than 10,000 plants in the year 2003-04. Yet another charge was for embezzling an amount of Rs. 37,500/-for purchasing rose plants at the rate of Rs. 5/-instead of Rs. 2.50 paise from Indira Nursery, Jatheri in the year 2003-04. Next charge against the petitioner was for embezzling the Government amount of Rs. 20,000/-by not taking farmers on tour instead taking his own staff and own family members on tour in the year 2002-03. Yet another charge of embezzling of amount of Rs. 6475/-by showing the bogus tour in the year 2003-04 was made against the petitioner. For these allegations, Enquiry Officer was detailed, who held the enquiry. The Enquiry Officer held the charges partly/fully proved, on the basis which the Enquiry Officer though had come to the conclusion that no loss was caused. The petitioner in the meanwhile had retired and accordingly recovery of 40% of the total amount of Rs. 2,59,875/-has been ordered to be recovered from his gratuity. This was also after issuance of a show cause notice to the petitioner.

2. The only ground raised before me is that once there was no loss, recovery could not have been ordered from the gratuity of the petitioner. Considering the nature of allegations made against the petitioner and the fact that the finding of the Enquiry Officer is against him, the order directing recovery would not call for any interference.

3. Dismissed.