

(2013) 08 P&H CK 0927

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 16302 of 2010

Nachhattar Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: Aug. 23, 2013

Hon'ble Judges: Tejinder Singh Dhindsa, J

Bench: Single Bench

Advocate: H.S. Sran, for the Appellant; Sudeepti Sharma, DAG, Punjab and Mr. S.S. Salar, Advocate, for the Respondent

Final Decision: Disposed Off

Judgement

Tejinder Singh Dhindsa, J.

The petitioner is a retired Senior Assistant (Accounts) from the Department of Rural Development & Panchayats, State of Punjab. The present writ petition has been filed impugning the orders dated 28.06.2001 (Annexure P-48), 28.12.2001 (Annexure P-49) and 04.07.2005 (Annexure P-55) passed by the Appellate Authority. It would be apposite to refer to the decision taken by the Financial Commissioner and Secretary to Government of Punjab, Department of Rural Development & Panchayats in the impugned order dated 04.07.2005, which reads in the following terms:

In compliance of the orders of the Court Shri Nachhattar Singh, Senior Assistant (Account) (Retd.) has been called for hearing on 4.7.2005. Sh. Nachhattar Singh, Senior Assistant (Account) (Retd.) appeared alongwith his Advocate Shri Harbhajan Singh Barsat and requested for supply of 14 Govt. documents. Accordingly, copies of the said documents are to be supplied to Sh. Nachhattar Sing, Senior Assistant (Account) (Retd.) within 15 days. Thereupon, after examining the record of the concerned Panchayat Samiti and after hearing both the parties, a speaking order shall be passed before 07.10.2005.

2. It is not a matter of dispute that after filing of the instant writ petition and during the pendency of the same, a fresh order dated 12.11.2010 has been passed by the

Secretary to Government of Punjab, Rural Development & Panchayats and the same stands appended as Annexure R-9 along with the written statement filed on behalf of respondents No. 1 & 2. The operative part of this order is contained in para 24 and reads in the following terms:

In view of the provisions of the Punjab Panchayat Samitis and Zila Parishads (General) Financial, Budget, Accounts and Audit Rules, 1964 as well as of the Punjab Civil Services (Punishment & Appeal) Rules, 1970 after examining all pros and cons of the case, the punishments awarded to Sh. Nachhattar Singh, Senior Assistant (Accounts) i.e. lowering down him one step in his own time pay scale, to recover an amount of Rs. 2,65,011.25 from his gratuity and pensionary benefits (Out of which Rs. 748,080/- has already been recovered from his leave encashment and Rs. 1,86,931.25 is still outstanding) and further to treat his suspension period i.e. from 13.11.1998 to till his date of retirement i.e. 31st July, 2001 treating as non duty period is in consonance with the offence committed by him.

3. Such order dated 12.11.2010 (Annexure R-9) is not a subject matter of challenge in the instant writ petition. The petitioner has chosen not to even amend the present writ petition to raise a challenge to the same.

4. At this stage, learned counsel for the petitioner has prayed for withdrawal of the petition to raise a challenge to the order dated 12.11.2010.

5. Accordingly, the present writ petition is disposed of with liberty to the petitioner to take recourse in terms of raising a challenge to the order dated 12.11.2010 on all such grounds that may be available to him strictly in accordance with law. Petition disposed of.