

Satbir Singh Vs State of Haryana and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: May 29, 2014

Hon'ble Judges: Augustine George Masih, J

Bench: Single Bench

Advocate: Raman B. Garg, Advocate for the Appellant

Final Decision: Disposed Off

Judgement

Augustine George Masih, J.

Petitioner has approached this Court with a grievance that the action of the respondents withholding his

gratuity and making recovery therefrom in pursuance to the order dated 27.03.2014 (Annexure P-1) is not sustainable in the light of the Haryana

Government Instructions dated 25.05.2010 (Annexure P-4), which clearly state that from a retired Government employee, no recovery, on the

basis of excess payment for a period more than 6 months made because of no fault of the employee, can be made.

2. Petitioner has already submitted a representation dated 03.04.2014 (Annexure P-3) to the Deputy Civil Surgeon (Malaria), Jind-respondent

No. 3 highlighting this aspect but instead of deciding the said representation, the total gratuity amount of the petitioner is being withheld.

3. Counsel for the petitioner states that liberty may be granted to the petitioner to file a detailed representation to the Director, Health Services

(Malaria), Haryana-respondent No. 2 also in addition to the one, which has already been submitted by the petitioner, referred to above, which

may be directed to be considered and decided within some specified time.

4. In the light of the statement made by the counsel for the petitioner, a direction is issued to the Deputy Civil Surgeon (Malaria), Jind-respondent

No. 3 to consider and decide the representation of the petitioner dated 03.04.2014 (Annexure P-3) within a period of one month from the date of

receipt of certified copy of this order.

5. In case the petitioner submits a representation to the Director, Health Services (Malaria), Haryana-respondent No. 2 within a period of two

weeks" from today, the said representation shall be considered and decided by the said respondent within a period of six weeks" of submission of

such representation.

6. The action of the respondents withholding the total gratuity amount of the petitioner does not appear to be justified in the light of the fact that the

recovery, if any, which is sought to be effected from the petitioner, is Rs. 92,460/-. The remaining gratuity amount of the petitioner deserves to be

released forthwith except for any other reason, which may justify the withholding of the same. If there being no other impediment except for

recovery of Rs. 92,460/-, the remaining amount be released to the petitioner within a period of 15 days of receipt of certified copy of the order.

7. Petition stands disposed of accordingly.

8. Copy of the order be given dasti to the counsel for the petitioner under signatures of the Special Secretary of this Court.