

(2014) 05 P&H CK 0475

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 11138 of 2014

Satbir Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

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 (Maleria), 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 (Maleria), 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 (Maleria), 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.