

WP(C) 4415/2014  
BEFORE  
HON'BLE MR. JUSTICE B.K. SHARMA

Issue Rule returnable in two months.

Mr. A. Matlib, learned State Counsel, accepts notice on behalf of all the respondents. Extra copies of the writ petition shall be furnished to him within seven days.

Heard learned counsel for the parties on the prayer for interim relief. By the impugned order, a direction has been issued for recovery of an amount of Rs. 5.25 lakhs with 25% compound interest on the principal amount. As recorded in the impugned order, the petitioner during the enquiry admitted that most of the funds for IAY were misappropriated by him. It appears that in spite of the said position he was given further opportunity to construct the remaining IAY houses meant for upliftment and alleviation of poor BPL families. However, as per the impugned order, out of 22 Nos. of IAY houses, 19 Nos. were not constructed. However, on the other hand, the petitioner had withdrawn the amount. It is because of this kind of situation while removing the petitioner from service by way of imposing major penalty and ordered for recovery has also been made.

Considering the nature of the allegation made and found established during enquiry on the basis of the own admission of the petitioner, I am not inclined to stay recovery of the amount. However, the same will be subject to the final outcome of the writ petition.

List on 12/11/2014.