

Dharam Chand Dogra Vs. State of H.P. and ors.

CWP No. 7454 of 2021

19.10.2023 Present: Ms. Archana Dutt, Advocate, for the petitioner.

Mr. Y.P.S. Dhaulta and Mr. Pratush Sharma, Additional Advocate Generals with Mr. Gautam Sood, Ms. Priyanka Chauhan and Mr. Rahul Thakur, Deputy Advocate Generals, for the respondents.

CMP No. 14064 of 2023.

Despite opportunities, reply has not been filed. It is clear from the contents of communication dated 28.04.2021, Annexure P-14, from the Director of Agriculture, that a sum of Rs. 60,798/-, has been ordered to be recovered from the petitioner. It is not in dispute that the inquiry against the petitioner has not been finalized in so far as the respondents are concerned. It is only by way of challenge of the petitioner for such proceedings are subject matter of the instant petition.

By way of instant application, it is prayed that respondents be directed to release balance amount, out of Rs. 1,82,395/-, which was withheld from the dues of petitioner by the respondents after deducting the amount of Rs. 60,798/-. The prayer made by the petitioner is genuine as the respondents, at the most, shall be entitled to sum of Rs. 60,798/- from the petitioner and under the garb of such recovery, the entire payable amount of Rs. 1,82,395/- cannot be withheld.

In result, the application is allowed. Respondents are directed to refund and pay to the petitioner balance amount, out of Rs. 182,395/- after deducting a sum of Rs. 60,798/- within two weeks from today. Application stands disposed of.

(Satyen Vaidya)
Judge

19th October, 2023
(sushma)