

(2011) 04 SHI CK 0014
In the High Court Of Himachal Pradesh
Case No : COPC No. 397 of 2010

Dr. J.C. Katoch and Others

APPELLANT

Vs

Shrikant Baldi and Others

RESPONDENT

Date of Decision : 28-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0014

Hon'ble Judges : Kurian Joseph, C.J;V.K. Ahuja, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The Petitioners are aggrieved since the judgment dated 30th August, 2010, in the matter of disbursement of eligible salary has not been complied with so far. It is seen from the communication of the Directorate of Higher Education, dated 28th April, 2011, which is taken on record, that the bank draft for an amount of Rs. 28, 80,020/- including the claim of the Petitioners has already been forwarded to the Principal concerned. It is further seen that the amount is inclusive of interest @ 12%. Therefore, it is for the Petitioners to receive the amounts due to them from the 3rd Respondent. The 3rd Respondent shall disburse the same, if not already disbursed, within a week.

2. Though the petition is thus liable to be dismissed, we are constrained to make a passing observation as to how the public exchequer has been affected in the process. In the judgment dated 30th August, 2010, there was a direction to disburse the eligible amounts within a period of one month from the date of production of the copy of the judgment. It was also ordered that while paying the arrears of salary, the amount would carry interest @ 8%. However, as a default clause, it had been clarified that in case the amounts are not disbursed within the said period, the same would carry interest @ 12% making it further clear that in the event of such delay, the officers responsible for the delay will be personally liable for the same. There is no reference to any such steps in the letter of the Directorate. Therefore, there will be a direction to the Principal Secretary (Finance) to the State of Himachal Pradesh, to look into these aspects

and take appropriate action in the light of the judgment to recover the loss caused to the government from the officers concerned.

3. A copy of this order alongwith a copy of the judgment in the petition and the communication of the Directorate of Higher Education, referred to above, shall be forwarded by the Registry to the Principal Secretary (Finance). The Principal Secretary (Finance), shall file a report on the action thus taken in the matter, within a period of three months from the date of receipt of the documents from the Registry of this Court. The COPC is disposed of as above. However, the matter will be posted on judicial side for perusal of the report on 14.9.2011. Post on 14.9.2011.