(2011) 03 P&H CK 0786

In the Punjab And Haryana At Chandigarh

Case No : CWP No. 8407 of 2010 (O and M)

Suresh Kumar APPELLANT

Vs

State of Haryana and Others RESPONDENT

Date of Decision : 17-03-2011

Acts Referred:

Citation : (2011) 03 P&H CK 0786

Hon'ble Judges : Mahesh Grover, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mahesh Grover, J.—The Petitioner has filed the instant petition with a prayer that the amount which the Respondents have partially withheld and recovered from his G.P.F dues alongwith interest amounting to Rs. 51,356/- be directed to be disbursed to him alongwith interest at the rate of 15% per annum from March, 2009 till its actual realisation.

2. The case of the Petitioner is that the Respondents have deducted this amount on the plea that there were some excess amount paid to the Petitioner amounting to Rs. 14,662/- in the year 1995-96 and the Respondents had recovered this amount alongwith interest which when calculated came to Rs. 51,356/-.

3. The contention of the learned Counsel for the Petitioner is that there was no mis-representation on his part when the excess amount was paid to him and this on the parity of judgment rendered by Full Bench in CWP No. 2799 of 2008 titled as Budh Ram and Ors. v. State of Haryana and Ors. could not be recovered. The second contention that has been raised is that even if the deduction is said to be justified then also the Respondents were only entitled to principal amount of Rs. 14,662/- and they could not recover this amount alongwith interest.

4. Learned Counsel for the Respondents have controverted the contentions which have been raised before this Court to say that the amount was paid to the

Petitioner in excess which upon realisation was deducted from his GPF account and this amount of Rs. 14,662/- was an erroneous entry made in his account and did not pertain to any benefit to which Petitioner was legally entitled to.

5. On due consideration of the matter, I am of the considered opinion that the contention raised by the learned Counsel for the Petitioner does not merit acceptance. The amount of Rs. 14,662/- which was credited to the account of the Petitioner was on account of some mistake in accounts and it was not on account of accrual of any benefit, increment or step up in pay etc. and was thus wrongly given to him. It was thus evident that he was not entitled to the said amount and he wrongly retained the same. If a mistake had been committed by the Respondents then the Petitioner ought to have returned this amount or brought to the notice of the Respondents but he withheld this amount wrongly and utilised the same for his own ends. He was thus not rightfully entitled to this amount. The Respondents rightly deducted this amount alongwith interest from the GPF account of the Petitioner at the time of settling his dues on account of his superannuation. An amount which has been wrongly withheld by the Petitioner to which he was not rightfully entitled to, would not attract the ratio of judgment laid down in Budh Ram''s case(supra), and even otherwise, the same does not enhance the case of the Petitioner as this sort of eventuality is also discussed therein.

6. Having regard to the aforesaid, the instant petition is held to be without any merit and the same is hereby dismissed.