(2021) 04 SHI CK 0127

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 759 Of 2021

Usha Sharma & Ors — APPELLANT

Vs

State Of H.P. And Ors — RESPONDENT

Date of Decision : 05-04-2021

Acts Referred:

Citation : (2021) 04 SHI CK 0127

Hon'ble Judges : Tarlok Singh Chauhan, J;Chander Bhusan Barowalia, J

Bench : Division Bench

Advocate : P.P. Chauhan, Ajay Vaidya

Final Decision : Disposed Of

Judgement

Tarlok Singh Chauhan, J

1. The instant petition has been filed for the grant of following substantive reliefs:Â?

(a) to issue a writ of certiorari or direction nature thereof,quashing the impugned orders dated 20.07.2020 & 12.01.2021 being Annexure PÂ3 & PÂ5

of the writ petition, as unconstitutional and illegal and contrary to the law;

(b) to issue an appropriate writ, order direction in nature thereof to give full justice to the petitioners in the circumstances of the case and may pass

such further writ, order or orders as this Hon'ble Court may deem fit, proper, just and expedient in the circumstances of the case"".

2. Today, Mr. Ajay Vaidya, learned Senior Additional Advocate General has placed on record instruction dated 01.04.2021 which clearly reveal that

the recovery as had been pointed out by the audit party of the office of Accountant General, H.P. by way of audit para has been got settled with the

authority itself, the relevant paragraph of the instructions reads as under:Â?

It is added that as a result of the above findings, the recovery as pointed out by the audit party of the Accountant General, H.P. does not seem to be

justified, which is however, presently stayed in view of the interim directions passed by the Hon'ble High Court in the present CWP No. 759/2021 on

26.02.2021. However since such recovery has been pointed out by the audit party of the Accountant General, H.P. by way of audit para, the

abovesaid audit para has to be got settled from the said authority itself, which is otherwise also the prerogative of the Accountant General, H.P. to

take any final decision thereupon, which authority has otherwise not been impleaded as one of the necessary parties to the present CWP "".

3. In this view of the matter, however, the audit para itself has been got settled, obviously now no recovery can be effected from the petitioner on the

basis of the audit para.

4. Consequently, the instant petition is disposed of in light of the instructions placed on record. Pending application (s), if any, also stands disposed of.

