

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 9464 of 2002 (O&M)

Date of decision : July 08, 2015

Dharamvir Singh Dahiya,

..... Petitioner

v.

State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. YP Malik, Advocate
for the petitioner.

Ms. Shruti Goel, AAG Haryana

Mr. Tribhawan Dahiya, Advocate

Mr. JS Dahiya, Advocate

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

In this writ petition, the petitioner has only challenged the recovery notices issued to him. The action is sought to be defended by the respondents on various grounds.

The only argument raised by counsel for the petitioner is that the impugned order has been passed without observing the principles of natural justice and even no show cause notice was issued to him.

Counsel for the respondents have argued that when notices

were issued, the petitioner was working as Acting Principal and he had replied to these notices.

Be that as it may, the recovery relates to the salary which the petitioner had earned as a senior Lecturer and as Head of the Department. Before any recovery was to be made, it was incumbent upon the respondents to have issued a show cause notice or afforded the petitioner an opportunity of hearing. It is not disputed that when this writ petition was filed, this Court had by way of interim order granted stay of the recovery and consequently recovery has not been made till date. In these circumstances, this writ petition is allowed to the extent that no recovery can be made from the petitioner without issuing him a show cause notice and without seeking his defence. Needless to say, the petitioner would be at liberty to establish his claim to the post of senior Lecturer and Head of the Department before the respondents.

July 08, 2015
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(AJAY TEWARI)
JUDGE