

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 12538 of 2012

Date of Decision : July 16, 2015

Charanjit Singh Petitioner

Vs.

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. H. K. Brinda, Advocate
for the petitioner.

Mr. Suresh Singla, Addl. A. G., Punjab

Mr. A. P. S. Sandhu, Advocate
for respondents no. 2 and 3.

Mr. Vikram Rathore, Advocate
for respondent no. 4.

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DEEPAK SIBAL, J. :

The petitioner, who was working as a Field Assistant with the respondent – Punjab State Development Corporation (hereinafter referred to as – the Corporation), was served with a notice dated 05.09.2011 (Annexure

P-1), through which he was called upon to respond within 21 days so as to why recovery of ₹ 1,29,612/- be not made from him. To the above notice, the petitioner filed a detailed response dated 03.10.2011 (Annexure P-2). On receipt of the reply of the petitioner dated 03.10.2011, the impugned order dated 11.04.2012 (Annexure P-3), ordering recovery of ₹ 1,29,612/- from the petitioner, was passed.

A bare perusal of the impugned order dated 11.04.2012 shows that the same is neither speaking nor reasoned. The submissions made by the petitioner in response to the show cause notice have not been dealt with. It has simply been stated that the reply given by the petitioner to the notice on 23.01.2011 has been found to be unsatisfactory.

Once recovery was sought to be ordered against the petitioner, it was incumbent upon the Authority, ordering the recovery, to consider and deal with the explanation given by the petitioner in response to the show cause notice served upon him. The impugned order does not deal with any of the issues raised by the petitioner in his reply to the show cause notice. It can be termed as nothing but a non-speaking order, which cannot be sustained.

Resultantly, the impugned order dated 11.04.2012 (Annexure P-3) is quashed and the matter is remitted back to the competent Authority to consider and decide the issues raised by the petitioner, by passing a well reasoned and speaking order, within three months from the date of receipt

of a certified copy of this order.

Needless to add that the decision so taken be communicated to the petitioner and if the decision is not to the satisfaction of the petitioner, he would be at liberty to challenge the same, in accordance with law.

**(DEEPAK SIBAL)
JUDGE**

July 16, 2015
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