

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.16159 of 2015 (O&M)

Date of decision: 07.08.2015

Ved Parkash

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. N.K. Sharma, Advocate for the petitioner.

Jitendra Chauhan, J. (Oral)

The prayer in the present petition is for quashing of the impugned order of recovery dated 16.06.2015 (Annexure P-1) and refixation of pay, vide letter dated 08.06.2015 (Annexure P-2).

The learned counsel contends that the case of the petitioner is squarely covered by the ratio of law laid down by the Hon'ble Apex Court in case of **State of Punjab Vs. Rafiq Masih**, 2015(1) SCT 195. He further asserts that no notice was served upon the petitioner before resorting to the order of recovery.

Considering the fact that the petitioner never misrepresented and the refixation was carried out by the Department, without adverting to the merits of the case, the present petition is disposed of with a direction to the competent authority to examine the case of the petitioner in the light of Rafiq Masih's case (supra) within eight weeks from the receipt of certified copy of this order. In case on examination, the competent authority reaches to the conclusion that the case of the petitioner is covered by the above said law, then, the consequential benefits be released in favour of the petitioner within six weeks thereafter.

In case, the answer is in negative, in that eventuality, the petitioner be afforded opportunity of personal hearing before passing such an order.

Meantime, the operation of recovery order dated 16.06.2015 (Annexure P-1) shall remain stayed till the decision of the competent authority.

07.08.2015

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**(JITENDRA CHAUHAN)
JUDGE**