

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

CWP No.8056 of 2011

Date of decision: 28.09.2015

Parveen Kumari

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S.S. Malik, Advocate,
for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

DEEPAK SIBAL, J. (Oral)

Under challenge in the present petition is the action of the respondents refixing the pay-scale of the petitioner w.e.f. 01.01.2006 and as a consequence thereof seeking to make recovery from her, the amounts which according to the respondents, have been paid in excess.

After hearing learned counsel for the parties and going through the record, it is revealed that a show cause notice dated 23.02.2010 (Annexure P-3) was issued to the petitioner putting her on notice as to why her pay w.e.f. 01.01.2006 be not refixed and after the refixation of pay why recovery of dues paid in excess be not made. To the show cause notice, the petitioner gave a detailed reply dated 09.03.2010 (Annexure P-4). On consideration of the

reply filed by the petitioner through order dated 10.06.2013 (Annexure R-III), the respondents had ordered recovery of excess amount due from the petitioner.

A perusal of the order dated 10.06.2013 (Annexure R-III) shows that the same is bereft of any reason. It has simply been stated that the reply of the petitioner has not been found to be satisfactory and therefore, recovery is being ordered.

The basic requirement of law especially when civil consequences are to ensue is to pass orders which are well reasoned.

As the impugned order has been found to be without any reason, the same is directed to be quashed. However, liberty is granted to the respondents to proceed against the petitioner in accordance with law by considering the reply submitted by her and after giving her an opportunity of hearing by passing a well reasoned and speaking order.

The needful be done within two months from the date of receipt of a certified copy of this order.

The Writ petition stands allowed in the above terms.

(Deepak Sibal)
Judge

28.09.2015
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