

Sr. No.211

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

**CWP No. 12977 of 2011
Date of decision:31.08.2016**

Bikkar Singh and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Mohd. Yousaf, Advocate
for the petitioners.

Mr. Anant Kataria, DAG, Punjab.

Rakesh Kumar Jain, J.(Oral)

This petition is filed against the order dated 26.04.2011 (Annexure P-3) by which the petitioners have been asked to pay the amount which is alleged to have been illegally obtained by them under the Old Age Pension Policy. The only contention raised by counsel for the petitioner is that the respondents have not given any show cause notice before issuing recovery notice and have thus, violated the principal of natural justice much less *audi alteram partem*.

Counsel for the respondents has fairly conceded that there is not even a whisper in the reply submitted by the State from which it can be inferred that any show cause notice was given to the petitioner and they were associated in any kind of inquiry before recovery notice was issued to them.

Since there is a complete violation of principal of natural justice, therefore, the recovery notices are illegal as the petitioners are entitled to show cause notice and are also entitled to be joined with the

inquiry before it is held that they are not entitled to the Old Age Pension Policy.

Consequently, the impugned order dated 26.04.2011(Annexure P-3) is hereby set aside/quashed and the matter is remanded back to the respondents to initiate proceedings against the petitioner, if so desired, in accordance with law, much less following the principal of natural justice as stated hereinabove.

31st August, 2016
Shivani Kaushik

[Rakesh Kumar Jain]
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No