

Since in this case, according to the respondents, no formal order of recovery has been passed, therefore, the present writ petition at this stage is premature. The respondents are directed to consider the law laid down by the Hon'ble Supreme Court of India in State of Punjab and others etc. Versus Rafiq Masih (White Waster) etc., 215 AIR (SC) 696 and after

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considering the same and giving an opportunity of hearing to the petitioner, pass a speaking order as to whether the recovery is to be effected from the gratuity of the petitioner after his retirement or not. It shall always be open to the petitioner to challenge the said speaking order, if any adverse order is passed against him. The said speaking order be passed within two months from the date of receipt of copy of this order.

Dismissed as premature at this stage.

(KULDIP SINGH)
JUDGE

24.10.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No