

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

**CWP No.18888 of 2012 (O&M)
Date of Decision : 09th February, 2017**

Ashwani Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sandeep Kumar Sharma, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana
for the respondent(s)-State.

Mr. Sumit S.Bairagi, Advocate
for respondent Nos.2 to 4.

AJAY TEWARI, J. (Oral)

By this petition, the petitioner has challenged the action of the respondents for making the recovery from him.

The precise ground taken is that even though the recovery is a minor penalty yet before making recovery show cause notice and some opportunity of hearing have to be given and an ex parte order of making the recovery cannot be made. This fact is not disputed in the written statement.

On this short ground, the impugned order is set aside and the respondents are consequently directed to refund the recovered amount forthwith. In case the refund is not made within the period of one month from the date of receipt of certified copy of this order, the petitioner would

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be entitled to claim the same with interest @ 12% per annum from the date/s the recovery was made. Liberty is also granted to respondents to proceed afresh in accordance with law.

The instant petition stands disposed of accordingly.

09th February, 2017

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No