

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

Date of decision: 18.04.2017

CWP No.15165 of 2014 (O&M)

Anil Dhawan

...Petitioner

Vs.

Bhakra Beas Management Board & another

...Respondents

CWP No.21145 of 2014

Narendra Kumar Yadav

...Petitioner

Vs.

Bhakra Beas Management Board

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Amrik Singh, Advocate, for the petitioner
in CWP No.15165 of 2014

Mr. Raman Sharma, Advocate, for the petitioner
in CWP No.21145 of 2014.

Mr. Sudhanshu Makkar, Advocate, for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

CM No.5452 of 2017 in
CWP No.15165 of 2014

Application is allowed. Additional affidavit of the Secretary,

BBMB, is taken on record.

CWP No.15165 of 2014 &
CWP No.21145 of 2014

This order will dispose of the abovementioned two writ petitions, as common questions of law and fact are involved in them, which can conveniently be decided by a common order.

Heard.

Recovery has been effected without issuing show cause notice for reply and hearing persons before making final orders, and therefore, the impugned order(s) cannot be sustained, as they are passed in breach of principles of natural justice. Not only have the petitioners not been heard, but no cogent reasons have been assigned as to why recovery deserves to be effected. Therefore, the recovery orders are not sustainable in the eyes of law and are set aside with liberty to the respondent – Board to proceed from the stage of service of show cause notice in thereafter in accordance with law. Recoveries, if already made, shall be returned to the accounts of the petitioners only after which can show cause notices be issued for recovery; replies received; opportunity of personal hearing afforded and speaking orders passed as per law.

Consequently, both the petitions stand disposed of.

18.04.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No