

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

CWP No.3322 of 2016

Date of Decision: 24.04.2017

Kul Bhushan Sharma and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Deepak Sonak, Advocate for the petitioners.

Mr. Hitesh Pandit, Addl. A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, the petitioners have questioned the validity of the order dated 7.9.2015 (Annexure P-8) and further recovery of payment vide letter dated 14.7.2011 (Annexure P-6) so also letter/order dated 13.5.2010 (Annexure P-5).

The official respondents while extending the benefit under the Haryana Civil Services (Revised Pay) Rules 2008 read with Haryana Civil Services (ACP) Rules 2008 re-fix the petitioner's pay. By oversight, fixation was contrary to rules. In order to rectify the same, the official respondents proceeded to re-fix the pay of the petitioners and also ordered for recovery which are under challenge.

Undisputedly re-fixation and order of recovery are without notice to the petitioners. By virtue of re-fixation of pay and order of recovery has a civil consequence. Therefore, without hearing petitioner's on the re-fixation and order of recovery which are under challenge are liable to be set aside. Accordingly, order of re-fixation of pay and recovery of excess payment are set aside. Reserving liberty to the official respondents to proceed by issuing necessary show cause notice indicating the reasons for

refixation and recovery. After receipt of explanation of the petitioners to show cause notice, the concerned respondent may proceed to pass a final order and communicate the same at the earliest.

Petition stands allowed.

24.04.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No