

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CWP No.26415 of 2017

Date of decision: 20.11.2017

Deepak Sachdeva

....Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Jai Bhagwan Sharma, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner is aggrieved against the recovery which has been made on account of the order dated 09.05.2014 (Annexure P-1) passed by respondent No.2. Vide the said order, the pay of the petitioner has been re-fixed, withdrawing the promotional increment.

Counsel submits that petitioner who was working as Section Officer, HSDC, Haryana, which is stated to be a Class-III post, when the promotional increment was withdrawn and therefore, as per the instructions dated 20.01.2017 (Annexure P-2), issued by the State, keeping in view the judgment of the Apex Court in *State of Punjab & others Vs. Rafiq Masih (White Washer) (2014) 8 SCC 883*, the recovery could not have been effected. It is submitted that the recovery has been done and the petitioner has served legal notice dated 01.11.2017 (Annexure P-6) upon respondent No.2, that the amount be refunded. Counsel further submits that the petitioner would be satisfied if the said respondent takes a decision upon the legal notice, within a fixed time-frame.

Keeping in view the fact that the respondents are yet to take a decision on the said legal notice, this Court is of the opinion that no useful purpose would be served by calling upon the respondents to file reply.

Accordingly, in view of the above, the present writ petition is disposed of, with a direction to respondent No.2 to decide the legal notice dated 01.11.2017 (Annexure P-6) within a period of 4 months from the receipt of a certified copy of this order. If an adverse order is to be passed, same should contain reasons and be conveyed to the petitioner.

20.11.2017

(G.S. SANDHAWALIA)

Sailesh

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No