

CWP No.2602 of 1997 (O&M)

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

CWP No.2602 of 1997 (O&M)

Date of decision: 17.10.2018

Kanta Goyal

.....Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Raman Mohinder Sharma, Advocate, for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

Mr. Anurag Goyal, Advocate, for the respondent No.3.

RAJIV NARAIN RAINA, J. (ORAL)

This is a petty matter, which does not require detailed reasons in decision making.

The petitioner is a Lecturer in a private College, which was brought under grant-in-aid for the first time on 01.04.1990 by the State Government. The petitioner acquired her minimum qualification in September, 1993 on acquiring Masters Degree in Library Science. An audit report made for the year 1992-93 communicated to the respondent Institution for recovery of specified amount from the salary of the petitioner alleged to have been paid in excess of entitlement. An explanation was sought from the petitioner by the Principal in view of audit report vide letter dated 02.05.1996. Reply was submitted. The petitioner said she had not

practiced any deceit, misrepresentation or hidden facts and the excess salaries were given to her by the Institution from grant-in-aid on their own volition without her realising as much. The order deducting Rs.650/- per month from the salary of the petitioner for the relevant period was made on 05.02.1997. This petition was filed immediately thereafter and was admitted for regular hearing on 20.11.1997 and the recovery was stayed by the Division Bench. The petitioner is still in service. Since the petitioner has discharged duties for the said period, she is not disentitled to the salary.

Accordingly, while allowing the petition, the interim order staying the recovery is made absolute.

If the mistake was committed by the Institution, then the Government is at liberty to recover the amount from them from the deficit of grant-in-aid of the concerned Institution.

(RAJIV NARAIN RAINA)
JUDGE

17.10.2018

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Whether speaking/reasoned : Yes

Whether reportable : No