

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

CWP No.10307 of 2018
Date of decision: 26.04.2018

Chander Bhan Dahiya

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Arun Sharma, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

Notice of motion.

Mr. RK Doon, AAG, Haryana, present in Court, accepts notice on behalf of the respondents. Copies furnished.

For the nature of order I propose to pass in the matter, no formal written statements/counter affidavits on behalf of the respondents are indeed necessary, at this stage. Thus, with the consent of the parties, the petition is being disposed of finally.

The petitioner is employed as Math Instructor at Government Industrial Training Institute, Sonapat (Haryana). In terms of the Scheme for grant of Education allowance to the employees of Government of Haryana, dated 18.06.2009 (Annexure P1), he availed the educational allowance for his two children. However, vide impugned order dated 20.09.2017 (Annexure P2), a recovery for a sum of Rs.29,250/- was ordered against the petitioner, for he could avail the Education allowance only for his 1st & 2nd

child. Whereas, he availed the said allowance for his 1st & 3rd child. Concededly, the entire amount has since been recovered by the respondent-authorities. Thus, the petitioner seeks refund of the said amount.

It is urged that as long as the benefit under the Scheme was availed for two children, no exception could be taken thereto, as it was purely the choice of the petitioner whether he avails the benefit for his 1st & 2nd child or for the 1 & 3rd. He purports to have even served the respondents with a legal notice dated 01.03.2018 (Annexure P6), but to no avail.

In response, learned State counsel submit that claim/grievance of the petitioner, as also the legal notice dated 01.03.2018 (Annexure P6), shall be considered and duly dealt with by the respondents within a period of three months from today. And appropriate orders, in accordance with law, shall be passed.

The petition is accordingly disposed of in the above terms.

Needless to assert that in the event the claim of the petitioner is declined, the respondent-authorities shall pass a comprehensive order assigning reasons in support thereof.

26.04.2018
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO