

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 08.01.2018****CWP No.16822 of 2015**

Sushil Kumar

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

Mr. Harish Rathee, Sr. DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. Heard Mr. Deepak Sonak, learned counsel appearing on behalf of the petitioner and Mr. Harish Rathee, Sr. DAG, Haryana, representing the State of Haryana, at some length.

2. This petition has been filed against impugned letter dated 31.07.2015 (Annex P-7) referring to the show cause notice dated 01.07.2015 on the subject of recovery of money said to be paid in excess of what has been the entitlement of the petitioner. The recoverable amount has been worked out to ₹1,80,418/-. This letter is worded in the shape of a proposal and therefore cannot be said to be a final decision of the competent authority on the issue; whether the pay of the petitioner was fixed in an inappropriate scale resulting in fixation of pay at the wrong stage in the background of the ACP pay scale.

3. Since a final decision has not been taken by the competent authority, I deem it appropriate to dispose of this petition with a direction to

it to take a final decision on the two show cause notices by considering the reply/objections submitted by the petitioner and in addition thereto the petitioner is allowed to file a comprehensive reply to both the notices in addition to what may have been said in the objections taken by the Board against the show cause notice dated 01.07.2015. In case, such a comprehensive reply is filed within three weeks from the date of receipt of certified copy of this order, the competent authority will hear the petitioner and pass a final speaking order and communicate the same to him. Meanwhile, the interim order dated 04.08.2015 staying recovery shall continue.

4. With these observation and direction, the petition stands disposed of.

08.01.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>