

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

CWP No. 23124 of 2015 (O&M)

Date of decision: 16.04.2018

Prithvi Raj

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Peeush Gagneja, Advocate for the petitioner(s).

Ms. Monica Chhiber Sharma, Sr. DAG, Punjab.

Respondent No.4 ex parte,
vide order dated 14.03.2017.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioner seeks issuance of directions to the respondents to release the correct amount of salary of the petitioner and not to effect any recovery without issuing him show cause notice.

It is asserted that that petitioner has been serving the Municipal Council Abohar from 1982, as Light Patroller and had been receiving salary to the tune of Rs.35,992/- per month as per Rules. However, in the month of April, 2015, the petitioner received Rs.35,149/- towards his salary and Rs.843/- was deducted without any show cause notice or intimation to the petitioner. Hence the present writ petition.

On the other hand, learned State counsel submits that petitioner is employee of respondent No.4 and entire salary has been paid by respondent No.4.

Heard.

As per record, an amount of Rs.843/- was deducted from March, 2015 onwards from the salary of the petitioner, a Light Patroller, serving with respondent No.4. As per record, the deduction in question is being effected on the basis of audit report. Respondent No.4 was duly served but none caused appearance after issuance of notice of motion. There is nothing on record to suggest that the petitioner was ever served with show cause notice or intimation for deduction from his salary which is against principles of natural justice. The respondent-Corporation ought to have given due opportunity to the petitioner prior to resorting to deduction.

Accordingly, the present petition is allowed. Respondent No.4 is directed to refund the entire amount allegedly recovered from the petitioner within a period of three months from the date of receipt of certified copy of the order.

However, if any amount is due towards the petitioner, the same be recovered after serving proper notice upon him as per law.

16.04.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No