

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

CWP-20503-2018

Date of decision: - 14.12.2018

Dilbagh Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Virender Kumar, Advocate, for the petitioner.

Mr. Sunil K. Vashisht, Deputy Advocate General, Haryana.

Mr. Arvind Rajotia, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the challenge is to the order/letter dated 24.05.2018 (Annexure P-6). Further, the petitioner is also challenging the communication dated 07.07.2018 (Annexure P-12) addressed by respondent No.4-Bank to the legal notice dated 29.05.2018.

A bare perusal of the impugned order dated 24.05.2018 (Annexure P-6) would show that the same is in the nature of show-cause notice whereby the petitioner has been asked to give reason as to why the excess payment which the petitioner has drawn, be not recovered. Alongwith the said notice, a detail sheet has been attached showing as to how, the respondents have calculated the excess amount.

Admittedly, the petitioner has not replied to the said letter

and has not pointed out any deficiency in the calculations which were done by the respondents.

Counsel for the petitioner states that the petitioner is ready to file his objections in pursuance to the show-cause notice dated 24.05.2018 (Annexure P-6) within a period of four weeks from today and the respondents be directed to decide the said representation so filed by the petitioner by passing a speaking order within a time frame.

Counsel for respondent No.4-Bank has no objection to the said proposal given by the petitioner with regard to the filing of the objections against the show-cause notice dated 24.05.2018 (Annexure P-6) and deciding the said objections, if raised in a time bound manner.

In case, a representation is filed by the petitioner raising the objections in pursuance to the show-cause notice dated 24.05.2018 (Annexure P-6) within a period of four weeks from today, the respondents shall decide the same within a period of three months from the date of receipt of such representation by passing a speaking order.

Counsel for the petitioner further states that the petitioner is not being paid his regular pension because of recovery proposed by the respondent No.4-Bank.

Mr. Rajender Dahiya, Chief Manager, Union Bank of India, who is present in Court, states that the petitioner is being paid pension regularly and the same has not been withheld as only the proposed amount of recovery has been freezed in the account of the petitioner.

Counsel for respondent No.4-Bank admitted that no recovery will be done from the said freezed amount also till the objections, if any

raised by the petitioner within time mentioned above, is decided by the respondents.

However, it is made clear that this Court does not express any opinion on the merits of the case and the claim being made in the present writ petition or the representation to be filed by the petitioner before the respondent(s).

In view of the above, the present writ petition stands disposed of.

December 14, 2018
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No