

**CM-3821-CWP-2019 in/and
CWP-8733-2016**

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

**CM-3821-CWP-2019 in/and
CWP-8733-2016**

Date of decision: - 19.03.2019

Jaswant Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Devender Arya, Advocate
for the applicant-petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Mr. Charanjit Singh Bakhshi, Advocate
for Mr. Abhilaksh Grover, Advocate
for respondents No.2 to 4.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-3821-CWP-2019

Present application has been filed on behalf of applicant-petitioner to place on record the copy of show cause notice dated 18.09.2018 as Annexure P-3.

Copy of the application has already been supplied to opposite counsel.

In view of the averments made in the application, the same is allowed. Copy of show cause notice dated 18.09.2018 is taken on record Annexure P-3, subject to all just exceptions.

CM stands allowed.

CWP-8733-2016

In the present writ petition, the grievance which has been raised by the petitioner is against the order dated 03.03.2015 (Annexure P-1), by which the recovery of ₹6,14,626/- was imposed upon him.

Counsel for the petitioner states that the said amount already stands recovered by the respondents from the pensionary benefits of the petitioner. The main contention of the petitioner in the present writ petition is that the said recovery has been imposed upon the petitioner without issuing any show-cause notice.

Counsel for respondents No.2 to 4 states that there was certain materials, which were outstanding against the name of the petitioner and in respect of those materials, the recovery was ordered and the same was effected from the pensionary benefits of the petitioner.

In respect of the plea of the petitioner that no opportunity of hearing was given to the petitioner before passing the order of recovery, the written statement is silent on this issue.

Today, counsel for the petitioner has placed on record a show cause notice dated 18.09.2018 (Annexure P-3), which has been issued to the petitioner now in respect of the said recovery, which was already done from the pensionary benefits of the petitioner.

Counsel for the respondents No.2 to 4 states that due opportunity will be given to the petitioner to defend himself against the said recovery and an appropriate order will be passed by the Board in this regard.

Counsel for the petitioner states that though the amount has already been recovered from the pensionary benefits of the petitioner, in case, it is found that no recovery was to be effected or any less amount of recovery was to be effected, the amount for which the petitioner is found entitled for, shall be released alongwith interest @ 9% per annum.

Counsel for the respondents No.2 to 4 states that in case it is found that the petitioner is liable for the recovery, an appropriate order will be passed and conveyed to the petitioner after giving a personal hearing to him.

Counsel for the petitioner states that the respondents be directed to decide the said show cause notice after giving a personal hearing to the petitioner in a time bound manner.

Present writ petition is disposed of with the direction to the respondents to decide the show cause notice dated 18.09.2018 (P-3), which has been issued to petitioner, to which he has already submitted the reply according to the counsel for the petitioner, within a period of two months from date of receipt of certified copy of this order. It is made clear that the petitioner shall be granted an opportunity of hearing before passing of any order in this regard. In case, after the order is passed, it is found that the petitioner is entitled for any amount, the same shall be refunded to him, within a period of one month thereafter alongwith interest @ 9% per annum from the date the said amount became due till the release of the same. Further, in case it is found the petitioner is liable for recovery, an appropriate order so passed shall be conveyed to the

petitioner against which he may avail the appropriate remedy.

It is, however, made clear that this Court expresses no opinion on the merits of the case or the entitlement of the petitioner in respect of the claim.

Present writ petition stands disposed of in the above terms.

March 19, 2019
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**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether reasoned/speaking?	Yes
Whether reportable?	No