

(122) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CMNo.16233 of 2019 in/and
CWP No.27208 of 2019
Date of decision: 13.11.2019

Bal Kishan ...Petitioner

Versus

State of Haryana and Ors. ... Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Surender Lamba, Advocate for the petitioner.

B.S. WALIA, J. (ORAL)

CM No.16233 of 2019

For the reasons as are mentioned in the application, the same is allowed. Annxures P-8 to P-16 are taken on record subject to all just exceptions.

CWP No.27208 of 2019

[1] Prayer in the writ petition is for the issuance of a writ of certiorari for quashing impugned order, Annexure P-4 dated 18.05.2018 passed by respondent No.5 imposing recovery of ₹ 38740/- @ ₹ 1000/- per month as also for the issuance of a writ of mandamus directing the respondents to regularize the services of the petitioner w.e.f. 01.04.2011.

[2] Learned counsel contends that the petitioner was appointed as Sweeper in the year 1998 on DC rates. The petitioner submitted representation, Annexure P-1 dated 10.06.2016 for regularization in view of his being continuously in service w.e.f. the year 1998. The representation, Annexure P-1 was forwarded by the Treasury Officer to the Director General Treasury and Accounts vide communication, Annexure P-3 dated

in the light of the instructions, Annexure P-7 dated 28.05.2019 in terms of policy dated 11.11.2003, order of recovery of ₹ 38740/- @ ₹ 1000/- per month was passed by the Assistant Treasury Officer, Mahendergarh without compliance with the principles of natural justice and for that matter giving any opportunity to show cause against the action proposed to be taken and that too by a cryptic order.

[3] Notice of motion.

[4] Learned Sr. DAG accepts notice and very fairly states that the impugned order, Annexure P-4 be set aside while granting liberty to the respondents to pass a fresh order in accordance with law by taking into account the representation, Annexure P-1 as also recommendations, Annexure P-3 in accordance with the rules and regulations applicable.

[5] The same satisfies learned counsel for the petitioner.

[6] In view of the statement of learned counsel for the parties, the writ petition is disposed of. Impugned order, Annexure P-4 dated 18.05.2018 is set aside while granting liberty to the respondents to pass fresh order in accordance with law after complying with the principles of natural justice. Further respondent No.2 is directed to consider and decide the representation, Annexure P-1 dated 10.06.2016 as per the recommendation, Annexure P-3 dated 23.01.2018 in accordance with the rules and regulations as well as instructions as applicable in accordance with law within a period of three months from the date of receipt of certified copy of this order.

13.11.2019
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(B.S. Walia)
Judge

1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.