

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 27170 of 2019

Date of decision : 23.09.2019

K.S. Narban and another

...Petitioners

Versus

Haryana Warehousing Corporation

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Dharamveer Phour, Advocate for the petitioners.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioners argues that after re-fixing the salary of the petitioners in the year 1988, a sum of ₹2,00,095/- was recovered from petitioner No. 1 and a sum of ₹1,70,433/- was recovered from petitioner No. 2 on the ground that the excess payment was made to the petitioners keeping in view the wrong fixation of their salaries.

Learned counsel for the petitioners argues that similar re-fixation was done in case of some other employees of the Haryana Warehousing Corporation, which was challenged before this Court by filing CWP No. 908 of 1988 titled as ***Ashok Kumar Gupta Vs. State Warehousing Corporation*** and CWP No. 1024 of 1988 titled as ***K.S. Narban and others Vs. State Warehousing Corporation***. The said writ petitions were allowed by this Court on 20.12.2011 only qua the recovery and the re-fixation of the amount was held to be valid. Learned counsel for

the petitioners argues that despite the said order in favour of the petitioners, the respondents recovered the amount from the petitioners as well as the similarly situated employees, namely, Ashok Kumar Gupta, who had filed CWP No. 908 of 1988.

Sh. Ashok Kumar Gupta again filed a writ petition bearing CWP No. 16553 of 2015 challenging the said recovery, which writ petition was allowed on 09.05.2018 (Annexure P-3) and respondents were directed to refund the recovered amount alongwith interest. Similarly, another employee, namely, Kamlesh Jain from whom the recovery was done by the respondents, approached this Court by filing CWP No. 4575 of 2014, which writ petition was also allowed on 05.05.2015 (Annexure P-2). Counsel argues that amount recovered from the similarly situated employees have already been refunded back to them, whereas the amount recovered from the petitioners has not been refunded to the petitioners, claiming which the present writ petition has been filed by the petitioners.

Learned counsel for the petitioners states that for refund of the amount as granted to the similarly situated employees, namely, Ashok Kumar Gupta and Kamlesh Jain, petitioners had submitted a representation dated 25.04.2019 (Annexure P-10) and the petitioners will be satisfied at this stage, in case a time bound direction is issued to the respondents to decide the same.

Keeping in view the advance copy supplied, Mr. Ashish Yadav, Advocate appears on behalf of the respondents and accepts notice. He states that the Corporation has no objection in deciding the representation in a time bound manner keeping in view the orders passed in CWP No. 16553

of 2015 titled as *Ashok Kumar Gupta Vs. Haryana Warehousing Corporation*, decided on 09.05.2018 (Annexure P-3) and CWP No. 4575 of 2014 titled as *Kamlesh Jain Vs. Haryana Warehousing Corporation*, decided on 05.05.2015 (Annexure P-2).

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioners, the respondents are directed to decide the representation dated 25.04.2019 (Annexure P-10) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order keeping in view the orders passed in the cases of similarly situated employees, namely, Ashok Kumar Gupta and Kamlesh Jain. In case after the decision, it is found that the petitioners are entitled for any monetary benefit, the same shall also be released to them within a period of next three months.

Writ petition stands disposed of accordingly.

September 23, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No