

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

(117)

CWP-15278-2020

Date of Decision: November 02, 2020

Resham Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naresh Jain, Advocate, for the petitioner.

Mr. Suveer Sheokand, Addl. Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present petition, the grievance of the petitioner is that the respondents have started recovering the amount from the salary of the petitioner without passing any order of recovery, which according to the petitioner, is arbitrary and illegal.

Learned counsel for the petitioner states that the petitioner was issued a show cause notice on 05.08.2020 wherein, the proposed recovery of Rs.5,12,511/- was sought to be done from the petitioner. The petitioner filed the reply to the said show cause notice on 24.08.2020 (Annexure P-9) raising objection to the said proposal of the recovery. Learned counsel for the petitioner submits that no order has been passed on the show cause notice (Annexure P-8) dated 05.08.2020 after the objections were raised by the petitioner in his reply (Annexure P-9) but the respondents have started to recover the amount in the monthly installment of Rs.90,500/- from the

salary of the petitioner. Learned counsel for the petitioner further submits that once, no order, keeping in view the reply (Annexure P-9) filed by the petitioner filed in pursuance to the show cause notice dated 05.08.2020 (Annexure P-8) has been passed, no recovery could have been effected by the respondents.

After notice of motion, the respondents have taken two adjournments to file the reply but no reply has been filed so far.

Today, learned counsel for the respondents-State submits that he has received a communication from the Senior Medical Officer, Civil Hospital, Sri Muktsar Sahib dated 02.11.2020 in respect of the present writ petition wherein, it has been stated that no recovery will be effected from the petitioner till the show cause notice dated 05.08.2020 (Annexure P-8) is decided by the respondents by passing an appropriate speaking order.

This stand of the respondents satisfies the learned counsel for the petitioner.

Accordingly, the present writ petition is disposed of with a direction to the respondents to pass an appropriate order in pursuance to the show cause notice dated 05.08.2020 (Annexure P-8) after considering the objections raised in the reply dated 24.08.2020 (Annexure P-9), filed by the petitioner, within a period of three months from today and till then, as undertaken by the respondents, no further recovery will be done from the petitioner.

In case, after passing of the final order, it is found that no recovery can be done from the petitioner, amount recovered already be refunded to the petitioner within a period of four weeks thereafter. In case while deciding the show cause notice, the respondents are of the view that the recovery can be done from the petitioner for the alleged excess payment

made to him, the petitioner will be at liberty to avail appropriate remedy against the said order.

Present petition is disposed of in above terms.

November 02, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No