

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

Sr. No.128

**CWP No.22445 of 2020**

**DATE OF DECISION: December 23, 2020**

**BHAJAN KAUR**

**..PETITIONER**

**VERSUS**

**STATE OF PUNJAB AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Bankey Bihari, Advocate, for the petitioner.

Ms. Ambika Bedi, AAG, Punjab, for respondent No.1.

Mr. Pardeep Bajaj, Advocate, for respondents No.2 to 4.

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**SUDHIR MITTAL, J. (ORAL)**

The petitioner is aggrieved because vide order dated 30.10.2020 (Annexure P-5/T) recovery of ₹64,252.44/- has been ordered to be effected from her salary.

2. Learned counsel for the petitioner submits that a perusal of the said order reveals that apart from her appointment as District Mandi Officer, Mohali, petitioner was given additional charge of District Mandi Officer, Patiala. The second Car i.e. Dzire car bearing No.PB-65-X-0458 was utilized by her when she was in Patiala and an official is entitled to use a Govt. vehicle wherever she/he has been asked to work. Moreover, the impugned order is violative of principles of natural justice as no notice was issued before passing of the said order.

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3. A perusal of the impugned order aforementioned shows that the petitioner was allotted an Ambassador Car bearing No.PB-65-E-1783 while working at Mohali. The said car broke down and therefore, the said vehicle was replaced by Dzire car bearing No.PB-65-X-0458. Recovery order has been passed because the petitioner used both the vehicles simultaneously although the existing rules prescribed that a Govt. official is entitled to the use of one car only. In case, he/she uses another car, the fuel expenses of the said car will be borne personally.

4. I have asked learned counsel for the petitioner to refer to the relevant rules which permit a Govt. official to use two separate vehicles while holding dual charge. Learned counsel has however failed to refer to any such rule.

5. Thus, there is no error in the reasoning recorded in the impugned order. Violation of principles of natural justice can be alleged where a plausible defence is available, otherwise, the grant of an opportunity of hearing would be an exercise in futility.

6. For the aforementioned reasons, I do not find any merit in the writ petition. The same is accordingly dismissed.

7. It shall however be ensured that the amount is recovered in comfortable installments.

**December 23, 2020**

*Ankur*

**(SUDHIR MITTAL)  
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No