

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

CWP No. 11084 of 2021

DECIDED ON: 22nd JUNE, 2021

Chander Shekhar and others

.....PETITIONERS

VERSUS

State of Haryana and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Saurabh Bajaj, Advocate for petitioners.

Mr. Ankur Mittal, Addl. AG Haryana
for respondents No. 1 to 4.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This writ petition in the nature of Certiorari is filed for quashing of letter dated 28.4.2021. The petitioners were previously working in Government Aided Schools in Haryana. Later on, due to amalgamation of Government Aided Schools, the petitioners were employed in different schools of Haryana. There is a dispute with regard to benefit of Assured Career Progression w.e.f. 1.1.1996 and 1.1.2006 of teaching and non-teaching employees of Aided School. The matter was under litigation. After the Education Department succeeded in the Supreme Court, the impugned letter dated 28.4.2021 was issued.

It would be appropriate to reproduce at this stage the concluding paragraph of the letter and the same is as under:

"You are therefore directed that a show cause notice be issued first before effecting the recovery proceedings of the over payment after re-fixing of the pay of the teaching and non-teaching employees of the Aided Schools who are drawing Salary, Pension/Family Pension in the

ACP Pay Scales w.e.f. 01.01.1996 and 01.01.2006 etc. and deposit the amount of recovery in the receipt Head of the department after verifying the same from the S.O. of the O/o DEO/DEEO or AO O/o DPC, SSA etc. within fortnight positively and the compliance report be sent through email i.e. aideddse@gmail.com.'

The main grievance raised by learned counsel for the petitioners is that the recovery proceedings are in violation of Principle of natural justice.

Learned counsel for the respondents appearing on advance notice sought time on 21.6.2021 to have instructions. Today, on instructions, he submits that the impugned letter is only a direction issued by the Director Secondary Education Haryana, Panchkula to all the DEOs and Management of Privately Managed Government Aided Schools of the Haryana State.

In pursuance to the said letter, show cause notices are being issued on case to case basis. In case show cause notices are issued, the petitioners will get time to file reply and also opportunity of personal hearing.

From the submissions of learned State counsel, it is evident that as on date, no recovery proceedings have been initiated. From the petition, it is not forthcoming that the petitioners have received any show cause notice.

In such circumstances, no interference is called for in the writ petition.

Needless to say that the petitioners would be at liberty to avail remedies in accordance with law for redressal of grievance, if any, against the adjudication of the show cause notices, if so issued.

Disposed of.

(AVNEESH JHINGAN)
JUDGE

22nd JUNE, 2021

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Whether speaking/reasoned *Yes*
Whether reportable *No*