

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211

**CWP No. 10796 of 2020
Date of Decision: 18.03.2021**

Dass Mal

....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Tahaf Bains, Advocate for the petitioner.

Ms. Akshita Chauhan, AAG, Punjab
for respondent nos.1, 2 and 5.

Mr. Vikas Chatrath, Advocate for respondent nos.3 and 4.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

Prayer in the present writ petition under Articles 226 and 227 of the Constitution of India is for issuance of a writ in the nature of certiorari for quashing the order dated 15.07.2020 (Annexure P-6) and also for quashing the recovery demand notice dated 25.06.2020 (Annexure P-2) whereby respondent no.3 intends to recover from the pension accounts of the petitioner the excess payment alleged to have been made to the petitioner.

Learned counsel for the petitioner vide CM-13163-CWP-2020 has placed on record documents Annexures P-7 to P-10.

Learned counsel appearing for the respondents are *ad idem* that the said documents Annexures P-7 to P-10 were not in possession of the respondents and in view of the said documents the matter would need to be re-considered by respondent no.2 and, in view thereof, they would have no objection if the demand notice dated 25.06.2020 (Annexure P-2) is quashed

and the matter would be re-considered by them in view of the documents now placed on record as Annexures P-7 to P-10 issued by the office of respondent no.2. Learned counsel for the respondents would further submit that a personal hearing would also be afforded to the petitioner, if he so desires.

In view of the submissions made by learned counsel for the respondents, the demand notice dated 25.06.2020 (Annexure P-2) accordingly stands quashed.

The present petition is disposed off with liberty to the respondents to re-consider the matter in view of the documents Annexures P-7 to P-10, which have been issued by the office of respondent no.2, after affording an opportunity of hearing to the petitioner, if he so desires. The needful exercise be done within a period of two months from the date of receipt of certified copy of this order.

Disposed off accordingly.

(ALKA SARIN)
JUDGE

18th March, 2021

jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO