

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

117

CWP-12726-2021

Decided on : 14.07.2021

Sachin Kumar & others

... Petitioners

Versus

State of Haryana & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Vikram Sheoran, Advocate, for the petitioners.

Mr.Harish Nain, AAG, Haryana.

(The proceedings are being conducted through video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral):-

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for quashing the order dated 05.07.2021 (Annexure P-9) passed by respondent No.2, vide which the benefits granted vide orders dated 03.03.2020 (Annexure P-7) and 26.08.2020 (Annexure P-8), in view of the judgment passed on 19.12.2019 in CWP-37104-2019 (Annexure P-6) has been cancelled by the respondents and recovery is being down without issuing any show cause notice.

Notice of motion.

Mr.Nain accepts notice on behalf of the State and submits that no specific order of recovery has been issued by respondents No.3 to 5, in compliance of the said order and the said office is yet to act upon the said communication, which is only 10 days old. It is further submitted that as per the said communications, only notional benefits were to be granted to the petitioners and not arrears of pay and therefore, recovery has been directed to be done regarding the arrears which have been wrongly granted.

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Keeping in view the above, this Court is of the opinion that while acting on the letter dated 05.07.2021 (Annexure P-9), the implementing officer(s) shall ensure that principles of natural justice is followed and show cause notice be issued to each individual, asking for their response and thereafter, speaking order be passed, before effecting any recovery.

With the above directions, the present writ petition stands disposed of.

July 14, 2021
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No