

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

124

**CWP No.18477 of 2021
Decided on : 16.09.2021**

Balbir Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr.M.D.Sharma, Advocate, for the petitioner.

(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 issuance of directions for quashing of the recovery order dated 08.08.2016 (Annexure P-3) vide which recovery of excess arrear amount to the petitioner which had been deposited in Punjab National Bank, is sought to be made.

Counsel has pointed out that as per the impugned notice, one Jagtar Singh who is also working as JBT and who was similarly situated, the demand was also raised on him. It is submitted that the said person had filed CWP-16770-2016 in which, on account of the stand taken by the State that the recovery order had been withdrawn, the writ petition had been disposed of as infructuous on 12.11.2018 (Annexure P-4). The said order reads as under:

“The petitioner is seeking quashing of order dated 08.08.2016 (Annexure P-6) whereby he has been directed to deposit back payment of revised pay scale which has been granted to him pursuant to judgment dated 28.01.2015 (Annexure P-4) passed by this Court.

On notice, reply has been filed by the State and in para 6 of the preliminary submissions, it is stated that the recovery order of the excess amount given to the petitioner has been withdrawn by the respondent vide order dated 27.09.2017 (Annexure R-III).

Keeping in view the above, this petition has been rendered infructuous and is disposed of as such.”

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It is submitted that the petitioner is identically situated and the benefits had been paid to the petitioner by the respondents themselves on account of the re-fixation of pay. Counsel submits that representation dated 31.08.2021 (Annexure P-7) has already been moved to respondent No.5, with copies to the higher officials. It is submitted that he would be satisfied if the said representation is decided in the same terms as Annexure P-4, reproduced above.

Notice of motion.

Ms. Kirti Singh, DAG, Haryana accepts notice on behalf of the respondents.

Keeping in view the limited controversy as such and since the decision making is still incomplete, no useful purpose will be served to call upon the respondents for filing reply, as it would cause further delay in deciding the proceedings.

Accordingly, without commenting on the merits of the case or the entitlement of the petitioner, the present petition is disposed of with the direction to respondent No.3 to take a decision on the representation dated 31.08.2021 (Annexure P-7) within a period of 2 months from the receipt of the certified copy of this order. Till the decision of the same, no recovery be effected from the petitioner.

September 16, 2021

Sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No