

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

126

**CWP No.19595 of 2021
Decided on : 28.09.2021**

Sunita Devi and others

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Suvir Sidhu, Advocate
for the petitioner.

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

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Article 226 the Constitution of India is to the notice dated 05.07.2021 (Annexure P-9), vide which the benefits extended to the petitioners had been cancelled and arrears had been demanded back from all JBT teachers.

Notice of motion.

Mr. Harish Nain, AAG, Haryana accepts notice on behalf of the respondents.

It is not disputed that in similar circumstances this Court in **CWP No.12726 of 2021 'Sachin Kumar and others Vs. State of Haryana and others'** decided on 14.07.2021 (Annexure P-10) has issued general directions that principles of natural justice are to be followed and show cause notice be issued to each individual asking for their response and thereafter speaking order be passed. The said order reads as under:-

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“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. 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.”

Accordingly, the present writ petition is disposed of in the said terms.

September 28, 2021

Naveen

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

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No