

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

CWP No. 20708 of 2021
Date of decision: 08.10.2021

Sohan Lal and others

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Keshav Gupta, Advocate,
for the appellant.

G.S.SANDHAWALIA, J. (Oral)

The petitioners seek quashing of the impugned order dated 10.09.2021 (Annexure P-18) and seeks directions to respondents to keep paying the petitioners in the pay scales after the notional pay fixation and also direct respondents not to recover any money from the petitioners.

Notice of motion.

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

Counsel, at the outset, has referred to the order passed in ***CWP No. 12726 of 2021, Sachin Kumar and others vs. State of Haryana and others*** decided on 14.07.2021. It is submitted that therein also, the employees have been protected to the extent that the principles of natural justice are to be followed and show cause notice should be issued to an individual asking for the response. Thereafter speaking orders be passed before effecting any recovery while noticing that no specific order of recovery had been issued by the respondents.

In the present case also, the impugned order, as such, is a communication to all Education Officers by the District Elementary Education Officer, Nuh that the benefits given wrongly in compliance of the orders in ***CWP No. 19337 of 2019, Mohini and another vs. State of Haryana and others*** had to be reviewed. If any employee had been issued wrongful benefits, then it should be immediately withdrawn and compliance report was to be sent to the office.

In such circumstances, this Court is of the opinion that the writ petition is pre-mature at this stage. However, the interest of the petitioners can be protected by issuing directions in similar terms.

Accordingly, the writ petition is also disposed of with directions to the respondents to ensure that if any refixation of pay or recovery is to be done, then the petitioners shall be put to notice giving details as to what is the course of action the State proposes. After taking replies and responses, necessary speaking order be passed. It is open to the State to club the matters together wherever common issue is involved and pass the necessary speaking orders before effecting any recoveries/refixation.

08.10.2021
shivani

(G. S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No