

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

Sr. No.218

CWP No.10260 of 2018

Date of Decision: 08.09.2022

Kamlesh Devi

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. R.S.Budhwar, Addl. A.G.Haryana.

Mr. Vikas Chatrath, Advocate,
Ms. Tanya Sehgal, Advocate and
Mr. Gulrukh Sidhu, Advocate
for respondents No.3 and 4.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present case, the challenge is to the action of the respondent in recovering an amount to the tune of Rs.1,66,642/- from the petitioner without observing the rules of natural justice.

Learned counsel for the petitioner argues that the respondents recovered the amount from the petitioner without issuing any show cause notice or supplying the reasons for the said recovery and further as per the judgment of Hon'ble Supreme Court of India rendered in the case of **State of Punjab and others versus Rafiq Masih (White Washer) etc., 2015(2) SCC (Civil) 608**, no recovery could have been made from the petitioner being the widow of the retired employee and hence, the claim of the petitioner is covered by the decision rendered in **CWP No.16858 of 2017** decided on 25.01.2019, titled as **Shanti Devi versus State of Punjab and others.**

After notice of motion, the respondents have filed the reply wherein the averment of the petitioner that the impugned recovery was done without giving any opportunity of hearing to her, has not been denied. Further, nothing has been mentioned in the reply as to whether the judgment of Hon'ble Supreme Court of India rendered in **Rafiq Masih's case (supra)** was kept in mind while recovering the amount from the petitioner, who is the widow of a retired employee.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is the settled principle of law that no order can be passed without observing the rules of natural justice in case, any prejudice is caused to the employee or a person concerned. In somewhat similar situation, in **Shanti Devi's case (supra)**, a similar recovery being done from the pension was held to be bad. Learned counsel for the respondent has not been able to differentiate the case of the petitioner with that of the **Shanti Devi's case (supra)**.

That being so, the question of law raised in the present petition is covered by **Shanti Devi's case (supra)** and accordingly, the present petition is also allowed in the same terms and conditions.

(HARSIMRAN SINGH SETHI)
JUDGE

08.09.2022
Maninder

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No