

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

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**CWP-14955-2018
Date of Decision: 29.11.2022**

SUMAN DAHIYA

... Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. R. Kartikeya, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Deepak Balyan, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Certiorari for quashing the impugned order dated 24.05.2017 (Annexure P-11) and notice dated 21.11.2016 (Annexure P-9) as well as the consequential action of recovery of Rs.6,50,000/- from the honorarium payable to the petitioner, and further for issuance of a writ in the nature of Mandamus directing the respondents to refund the complete amount recovered from the petitioner's pay and perks on account of the impugned order dated 24.05.2017 (Annexure P-11) and notice dated 21.11.2016 (Annexure P-9) till date alongwith interest.

Written statement on behalf of respondent No.2- Haryana State Commission for Women has already been filed.

It has been averred in the abovesaid written statement that as per the instructions of the Government of Haryana, if both the husband and wife are Government servants and are posted at same place and if any of them has a Government accommodation, the spouse is not entitled for House Rent Allowance. A communication sent in this regard by the petitioner has been duly responded to by the respondent-Department. It is further averred that the petitioner completed her term on 25.05.2017 and was handed over a draft of Rs.4,90,323/- towards the honorarium after deducting an amount of Rs.6,50,000/- as recovery of House Rent Allowance claimed by the petitioner to which she was not entitled. The aforesaid response has been filed on behalf of the respondent No.2 in July, 2019 and no rejoinder has been filed controverting the same.

The present petition is accordingly, disposed of at this stage as there is no subsisting grievance.

Liberty is, however, granted to the petitioner for seeking revival of the present petition in case the aforesaid averments are found to be false and incorrect.

29.11.2022.
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*