

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CWP-1826-2017

Date of decision : 07.07.2022

RAVINDER SINGH

..... Petitioner

VERSUS

PRTC AND ANOTHER

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Vikas Chatrath, Advocate
for the petitioner.

Mr. Anil Sharma, Advocate
for the respondents.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the challenge is to the order dated 04.06.2015 (Annexure P-1) by which, a recovery of Rs.1,57,031/- has been ordered from the gratuity of the petitioner.

Learned counsel for the petitioner argues that the said order has been passed without giving any opportunity of hearing to the petitioner as no reason has been given as to on what account, the said recovery amount has been calculated by the respondent and recovery is ordered against the petitioner. Learned counsel for the petitioner argues that before any order is passed reducing the pension, opportunity of hearing has to be given to an concerned pensioner failing which, the order of reduction in pension cannot be sustained in the eyes of law.

Learned counsel relies upon the judgment passed in **CWP No.16858 of 2017 decided on 25.01.2019 titled Shanti Devi Vs. State of Punjab and others.**

Learned counsel appearing on behalf of the respondents very

fairly submits that nothing has come on record to show that opportunity of hearing was given to the petitioner before the impugned order dated 04.06.2015 (Annexure P-1) was passed. Learned counsel submits that the respondent- Corporation will issue a show cause notice to the petitioner giving the details and the reasons on account of which there is a proposal of recovery to be done from the petitioner. After receiving the reply to the said show cause notice if filed by the petitioner, appropriate speaking order will be passed and in case it is found that the petitioner has valid justification, the recovered amount will be refunded failing which, appropriate order will be passed by the corporation giving the reasons for effecting the recovery from the petitioner as undertaken by the learned counsel for the respondent- Corporation.

Let appropriate show cause notice be issued to the petitioner within a period of two months of the receipt of the copy of this order and appropriate speaking order be passed on the said show cause notice keeping in view the reply if any filed by the petitioner. It is made clear that the recovered amount will be subject to the final outcome of show cause notice which will be issued hereinafter. In case it is found that no recovery was to be done from the petitioner in the facts and circumstances, the recovered amount be returned to the petitioner immediately after the passing of the order.

Disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

07.07.2022

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Whether speaking/reasoned
Whether Reportable :

Yes
No