

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

125

CWP-23218-2022

Date of Decision :10.10.2022

Sahi Ram and others**...Petitioners**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. D.S. Patwalia, Senior Advocate with
Mr. A.S. Chadha, Advocate for the petitioners.

* * *

Harsimran Singh Sethi, J. (Oral)

Learned Senior counsel appearing for the petitioners submits that by impugned order dated 29.09.2022 (Annexure P/12), the respondent-department have already decided to withdraw the benefit of promotion from the petitioners and to recover the excess amount paid to them though, the impugned order is termed in such a manner that it has been projected in guise of a show cause notice. Learned Senior counsel for the petitioners further submits that keeping in view the language of the impugned order dated 29.09.2022 (Annexure P/12), the respondent-department have already made up their mind and the said order in guise of show cause notice is only a formality to withdraw the benefit of promotion from the petitioners and consequent recovery of the excess amount paid to them hence, the present writ petition is maintainable even as of now.

Learned Senior counsel submits that even otherwise, the impugned order of the withdrawal of the benefit of promotion from the

petitioners has been passed on the basis of withdrawal of benefit of promotion from a colleague namely, Kundan Kalra, which is also factually incorrect as apart from the said Kundan Kalra, there are many other juniors of the petitioners, who have been granted the said benefit of promotion and they continue to enjoy the same benefit even as of now hence, withdrawal of the benefit of promotion from the petitioners and consequent recovery of an excess amount is bad.

Notice of motion.

Mr. Harish Nain, AAG, Haryana, who is present in the Court accepts notice on behalf of the respondent-State and submits that it is the apprehension of the learned Senior counsel appearing for the petitioners that order dated 29.09.2022 (Annexure P/12) passed by the respondents is not a show cause notice and in case any objections are filed by the petitioners with regard to the proposal envisaged in order dated 29.09.2022 (Annexure P/12), the same will be considered on merits with open mind and only thereafter, an appropriate order will be passed by the respondent with respect to whether the promotion granted to the petitioners is to be withdrawn or sustained keeping in view the facts and circumstances of this case, which will examine after the reply is filed by the petitioners to the said show cause notice.

Learned Senior counsel appearing for the petitioners submits that keeping in view the statement made by the learned State counsel, the petitioners will file appropriate objections to order dated 29.09.2022 (Annexure P/12) within a period of seven days from today and prays that a direction be issued to the respondent to consider the same while passing the appropriate order.

Learned State counsel raises no objection to the said prayer of the learned Senior counsel for the petitioners.

Learned Senior counsel for the petitioners submits that keeping in view the statement of the learned State counsel, the present writ petition may be disposed off having been not pressed any further at this stage.

Ordered accordingly.

October 10, 2022

aarti

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No