

CWP No. 1652 of 2023
CWP No. 2363 of 2023
CWP No. 3903 of 2023
CWP No. 5777 of 2023

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2023:PHHC:087582
2023:PHHC:087619
2023:PHHC:087622
2023:PHHC:087625

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

201+202+258+111

1. CWP No. 1652 of 2023
Date of Decision : 13.7.2023

Shobhit Singh and others *Petitioners*

versus

State of Haryana and another *Respondents*

2. CWP No. 2363 of 2023

Sube Singh and others *Petitioners*

versus

State of Haryana and others *Respondents*

3. CWP No. 3903 of 2023

Balwan Singh and others *Petitioners*

versus

State of Haryana and others *Respondents*

4. CWP No. 5777 of 2023

Deepak Kumar and others *Petitioners*

versus

State of Haryana and another *Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Subhash Ahuja, Advocate and
Mr. Karanveer Ahuja, Advocate, for the petitioners

Mr. Sanjeev Kaushik, Addl. AG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This order shall dispose of the above numbered four petitions as

similar questions of law and facts are involved therein.

2. These petitions have been filed seeking quashing of the orders dated 3.3.2022, 17.10.2022, 11.11.2022, 15.12.2022 and 27.12.2022, whereby the respondents were directed to effect recovery from the petitioners after revising their pay as per Rules.

3. Learned counsel for the petitioners contends that the petitioners are drawing the stepped-up pay, which is sought to be refixed, for the last many years. The benefit was given to them by refixing the pay at par with that of their juniors as per orders issued by the respondents in terms of judgment of this Court in CWP No. 11254 of 2010, *Neelam Rani v. The State of Haryana and others* (Annexure P-5). The impugned recovery orders are contrary to the judgments which have been passed without affording any opportunity of hearing to the petitioners. This is in violation of the Principles of Natural Justice as well as the Instructions issued by the State Government dated 23.2.2016, which is to the effect that recovery from the employees belonging to Class-III and Class-IV cannot be made in terms of the law laid down by the Supreme Court in *State of Punjab and others v. Rafiq Masih*, 2015 (4) SCC 334. He further contends that at this stage the petitioners will be satisfied, in case before effecting recovery they are afforded an opportunity of hearing, and the issue is considered by the respondents in terms of Instructions dated 23.2.2016.

4. Learned State counsel submits that before effecting recovery proper notice will be issued to the respondents, and a considered decision will be taken in the light of Instructions dated 23.2.2016.

5. In view thereof, the impugned recovery orders *qua* the

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petitioners are hereby set aside. At the same time, liberty is granted to the respondents to pass fresh speaking order(s) after affording opportunity of hearing to the petitioners and considering the relevant law as well as Instructions on the issue.

6. Disposed of.
7. Photocopy of this order be placed on the files of the connected cases.

(TRIBHUVAN DAHIYA)

JUDGE

13.7.2023

Ashwani

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No