

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

135

2023:PHHC:111779

**RSA-2250-2019 (O&M)
Date of decision: 25.08.2023**

RAMPHAL MAHLA

..Appellant

Versus

STATE OF HARYANA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.K. Mutneja, Sr. Advocate
with Ms. Suverna Mutneja, Advocate
and Mr. Akshay Goel, Advocate
for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

1. Both the Courts have decreed the suit filed by the appellant while declaring that the notice demanding Rs.4,18,200/- from him is bad in law, however, the First Appellate Court while upholding the judgment passed by the Court of first instance has granted liberty to the department to hold inquiry into the matter particularly when the dispute is “Whether the appellant has surrendered the possession of the official accommodation within the prescribed time or not?”

2. The learned Senior counsel representing the appellant submits that such inquiry cannot be held in view of the Rule 2.2(b) of the Haryana Civil Services Rules, 2016. He submits that he has no objection if the appellant is permitted to take objection before the inquiry officer in this regard.

3. The learned counsel representing the State of Haryana submits that there is no limitation in the Haryana Civil Services Rules, 2016 to hold inquiry to recover the amount.

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4. Obviously, the direction by the First Appellate Court is to hold inquiry in accordance with the law. It shall be open to the appellant to take all objections as are available.
5. With these observations, the appeal is disposed of.
6. All the pending miscellaneous applications, if any, are also disposed of.

August 25th, 2023
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(ANIL KSHETARPAL)
JUDGE

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