

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

107

CWP No.3573 of 2021

Date of decision:23.03.2023

Pragati Garg and another

... Petitioners

Vs.

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Ravish Bansal, Advocate  
for petitioner No.1.  
(petition qua petitioner No.2 has been dismissed as infructuous,  
vide order dated 05.01.2023).

Mr. Harish Nain, AAG, Haryana.

Mr. Nitin Gupta, Advocate for  
Mr. Prateek Gupta, Advocate  
for respondent No.4.

**SUVIR SEHGAL, J. (Oral)**

Instant petition has been filed *inter alia* seeking issuance of a writ in the nature of mandamus directing the respondents to release the salary of the petitioners, who are HCMS Doctors, w.e.f. 01.01.2020. Another direction has been sought to the respondents to continue to pay salary to the petitioners for the period they were undergoing Post Graduate training with respondent No.4.

Affidavit (though titled as replication) has been filed by Dr. Mukta Kumar, Civil Surgeon, Panchkula, wherein, it has been deposed as under:-

*“3. That the discrepancies in the pay calculation of the petitioner No.1 (Dr. Pragati Garg) is as under:-*

A. That the petitioner has calculated the basic pay @ Rs.69000/- per month whereas the basic pay of the petitioner is 67000/- as per pay fixation office order dated 05.08.2021 issued by Principal Medical Officer, ML District Civil Hospital Yamunanagar. The copy of pay fixation office order dated 05.08.2021 is annexed as annexure R3/1 for the kind perusal of this Hon'ble Court.

B. That the petitioner No.1 (Dr. Pragati Garg) has been paid the HRA for the month of January to March 2020 as per following table:-

| Month         | HRA Paid in Rupees | HRA Revised in Rupees |
|---------------|--------------------|-----------------------|
| January 2020  | 5250               | 10720                 |
| February 2020 | 5069               | 10350                 |
| March 2020    | 4742               | 9683                  |
|               | 15,061             | 30,753/-              |

The petitioner has been paid Rs.15061/- and where as she is entitled HRA of Rs.30,753/- as per latest revision. Therefore, petitioner is entitled for Rs.15692/- towards HRA.

4. That the petitioner joined in the office of Civil Surgeon Panchkula on 29.09.2018 and she has been paid salary from October 2018 to June 2019. Further, petitioner has been paid salary from January 2020 to March 2020 from Civil Surgeon office, Panchkula. It is further submitted that salary has been released to the petitioner No.1 as per pay fixation order dated 05.08.2021 issued by Principal Medical Officer, ML District Civil Hospital Yamunanagar.

5. That it is pertinent to mention that all payments have been fixed as per the pay fixation sheet dated 05.08.2021 sent by PMO, ML District Civil Hospital Yamunanagar.
6. That it is brought into the kind notice of Hon’ble Court that the petitioner has been inadvertently paid double salary for the following months but petitioner has deliberately concealed this fact from Hon’ble High Court. This fact came into the knowledge of department while filing the present replication.

| Month (as per E-salary) for which double salary was received from Civil Surgeon Panchkula and SDH Naraingarh (Ambala) | Salary received from office of Civil Surgeon Panchkula | Salary received from SDH Naraingarh Ambala |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|--------------------------------------------|
| April 2019                                                                                                            | 64083                                                  | 60640                                      |
| May 2019                                                                                                              | 71785                                                  | 60640                                      |
| June 2019                                                                                                             | 71785                                                  | 60640                                      |
| November 2019                                                                                                         | 71785                                                  | 60640                                      |

Thus, petitioner has been paid the double salary of 4 months amounting to Rs.2,42,560/- (Rs. Two Lac Forty Two Thousand Five Hundred Sixty only) by Drawing and Disbursing Officer, Civil Hospital, Naraingarh. Hence, petitioner is liable for recovery of Rs.2,42,560/- in due process of law.”

On the basis of the above, State counsel submits that recovery is due from petitioner No.1.

Counsel for the petitioner has, however, disputed this fact and

contents of the affidavit and submits that arrears of more than Rs.8.25 lacs are still due qua petitioner No.1.

Without going into the conflict, writ petition is disposed of with liberty to petitioner No.1 to file a comprehensive representation with respondent No.2, who shall examine the claim of petitioner No.1 within a period of four months of the submission of the representation. In case, respondent No.2 finds that some arrears are still due to petitioner No.1, same shall be disbursed to her within a period of four months thereafter. In case of any excess payment, recovery be effected by way of instalments from the monthly salary of petitioner No.1.

March 23, 2023

savita

(SUVIR SEHGAL)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes    |
| Whether Reportable        | Yes/No |