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

**CWP No.16073 of 2022 (O&M)
Date of Decision: 15.05.2023**

VEENA SALUJA

.....Petitioner

Vs

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Anurag Goyal, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, D.A.G., Haryana.

Ms. Indira, Advocate for
Mr. H.S. Oberoi, Advocate
for the respondent No.3.

RAJ MOHAN SINGH, J.(Oral)

[1]. The petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of certiorari, quashing the order dated 19.07.2022 passed by the District Education Officer, Gurugram, reducing the pay of the petitioner after retirement, detrimental to her interest and without giving any notice or opportunity of hearing to the petitioner. On account of such re-fixation of salary, excess amount was ordered to be recovered from the petitioner.

[2]. Notice of motion was issued on 27.07.2022 and following order was passed by the Co-ordinate Bench of this Court:-

*“Learned counsel for the petitioner inter alia argues that the respondents in a totally arbitrary and illegal manner has revised the pay of the petitioner after the retirement of the petitioner to her detriment and that too without giving any opportunity of hearing. Learned counsel for the petitioner submits that it is a settled principle of law settled by the Hon'ble Supreme Court of India in **Civil Appeal No.9417 of 2019 titled as M/s. Daffodils Pharmaceuticals Limited and another vs. State of U.P and another, decided on 13.12.2019**, no order which causes prejudice to an employee, can be passed without following the rules of natural justice, hence, the re-fixation of the salary of the petitioner after her retirement and consequent recovery, is not permissible even otherwise keeping in view the judgment of the Hon'ble Supreme Court of India in **State of Punjab and others Vs. Rafiq Masih (White Washer) etc., 2015(1) S.C.T., 195.***

Notice of motion for 22.11.2022.

Operation of the impugned order dated 19.07.2022 (Annexure P-3) shall remain stayed till the next date of hearing.

July 27, 2022 (HARSIMRAN SINGH SETHI)
harsha JUDGE”

[3]. During pendency of the present petition, the District Education Officer, Gurugram has passed an order dated 21.03.2023 vide which the order of re-fixation of salary of the

petitioner has been withdrawn. Consequent upon such withdrawal, the recovery proceedings in respect of excess amount of salary has also been put to rest. The petitioner has been called upon to furnish documents for preparation of her retiral dues.

[4]. The petitioner has already submitted her documents for grant of retiral dues on 23.02.2022. The petitioner also re-submitted her documents through online on 17.04.2023 to the office of District Education Officer, Gurugram. The office of District Education Officer has forwarded the pension case of the petitioner to the office of Accountant General on 23.04.2023 for taking necessary action.

[5]. At this stage, grievance of the petitioner is this that her pension case has been delayed by the respondents for a period of one year. The petitioner has retired on 31.01.2022. As per government instructions, her pension case should have been completed within three months of her retirement. In a way, the pension case of the petitioner ought to have been finalized upto 31.05.2022 after submission of documents on 23.02.2022 for grant of retiral dues. In any case, the petitioner is entitled for interest @ 6% per annum from 23.05.2022 till final payment of the retiral dues.

[6]. Let the retiral dues of the petitioner be calculated within

a period of two months from today along with interest @ 6% per annum from 23.05.2022 and the same be paid to the petitioner forthwith. The claim of the petitioner shall remain unfettered on account of intra-departmental communications between the official respondents and the Accountant General (A&E) Haryana regarding responsibility towards causing delay. The delay, if any on behalf of the Accountant General (A&E) Haryana, shall be taken care of by the official respondents themselves, without curtailing the right of the petitioner on that count.

[7]. In view of above, this writ petition is disposed of.

May 15, 2023

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No