

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CWP No. 24493 of 2014
Date of Decision : 29.11.2023

Dai Ram

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance of the petitioner is that despite there being no recovery order passed making the petitioner liable for the recovery, certain amounts have been recovered from the pensionary benefits, which have been extended to the petitioner after his retirement.

2. Learned counsel for the respondents submits that all the recoveries, which have been done from the petitioner, are based upon the orders passed against the petitioner, details of which, have been given in the affidavit, which has been filed in pursuance to the order passed by this Court dated 24.08.2022. Learned counsel for the respondents further submits that the orders of the recoveries have also been appended along with the affidavit to show that the recoveries which have been done

from the petitioner were valid and in pursuance to an order passed much prior to the retirement of the petitioner.

3. Learned counsel for the petitioner submits that the orders passed by the department directing various recoveries to be done from the petitioner have been brought to the notice of the petitioner for the first time while filing an affidavit, which affidavit has been filed in pursuance to the order dated 24.08.2022. Learned counsel submits that Annexures R-1 to R-15, which have been attached along with the affidavit were never informed to the petitioner.

4. Once, the respondents have given the numbers/date of the orders passed against the petitioner for affecting the recoveries, it cannot be said that the said recoveries have been done from the petitioner in an arbitrary manner. Nothing has been brought on record to show that the office orders have ever been challenged at any forum available to the petitioner. In the absence of any challenge to the orders of recovery passed by the respondents, it cannot be said that the recoveries, which have been done from the petitioner is arbitrary and illegal.

5. At this stage, learned counsel for the petitioner submits that he did not had any knowledge of these orders prior to the date the same were appended along with the affidavit. Even if the same have been brought to the notice of the petitioner now, which fact is being disputed by the learned State counsel, unless and until the petitioner have his remedy against the said orders in accordance with law, the recoveries being done from the petitioner cannot be treated as arbitrary and illegal,

hence, the present petition is dismissed with the observation that in case the petitioner is aggrieved against the orders of recoveries, he can avail appropriate remedy before appropriate forum in case any remedy is available to him qua the said order.

6. Dismissed.

November 29th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No