

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.4855 of 2017 (O&M)

Date of Decision.24.01.2023

Avtar Singh and others

...Petitioners

Vs

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. S.S. Dalal, Advocate
for the petitioners.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Subhash Ahuja, Advocate
for respondent No.5.

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JAISHREE THAKUR J. (ORAL)

Learned counsel appearing for the petitioner herein is seeking a writ in the nature of certiorari for quashing the impugned communication dated 16.07.2013 issued by the respondent No.4-Society informing about the order dated 14.06.2013 (Annexure P-9 colly) of the Deputy Registrar, Cooperative Societies, Kurukshetra, who has rescinded the resolution dated 01.09.2012 by which dearness allowance to the petitioners was withdrawn.

Learned counsel appearing for the petitioners would submit that any resolution passed or any decision taken, which would necessarily have implication on the monetary benefits could not have been passed without giving a due opportunity of hearing to the affected party. At the same time, counsel for the petitioners would point out that a bunch of petitions (CWP No.25971 of 2019 titled as *Ajaib Singh and others Vs. State of Haryana and others* being the lead case) has been disposed of by a Coordinate Bench vide order dated 10.02.2020 holding that pay of the petitioners therein is to be fixed as per 2017 Rules and in case, it is found that excess payment has been

made out, due opportunity of hearing to be given to the person concerned before effecting any recovery. It is contended that pay of the petitioners herein too be fixed in terms of 2017 Rules after giving them an opportunity of hearing.

Learned counsel appearing for the respondent-State and the respondent-Society would submit that in fact, pay of the petitioners stand fixed and two of the petitioners have since retired.

I have heard learned counsel for the parties and have perused the paper book. In view of the fact that both the counsel appearing for the petitioners and the respondent-Society are in agreement that the matter can be disposed of in terms of order dated 10.02.2020 passed in CWP No.25971 of 2019, this Court deems it appropriate to dispose of the present writ petition in the same terms. Needless to say that due opportunity of hearing would be given to the petitioners, who are either in service or retired before effecting any recovery from them.

(JAISHREE THAKUR)
JUDGE

January 24, 2023

Pankaj*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No