

2024:PHHC:088110



CWP-8007-2002 and other connected cases
**IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

CWP-8007-2002

Date of Decision: 16.07.2024

PHOOL SINGH

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

2.

CWP-19985-2006

VED KUMARI

...Petitioner

Vs.

THE STATE OF HARYANA AND OTHERS

...Respondents

3.

CWP-8735-2006

RAM KUMAR

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. B. K. Bagri, Advocate
 for the petitioners in CWP-8007-2002 & CWP-8735-2006.

Ms. Aashna Aggarwal, Advocate
 for the petitioner in CWP-19985-2006.

Mr. R.S. Budhwar, Addl. AG, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

These petitions are being decided together as the same are based on similar facts, and a common question of law arises for adjudication therein. The facts are taken from CWP-8007-2002, for brevity.

2. The present petition has been filed seeking a writ of *certiorari* quashing the letter dated 21.03.2002, Annexure P-3, and a writ of *mandamus* directing the respondents to restore/retain the pay fixation,

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CWP-8007-2002 and other connected cases
salary and increment granted to the petitioners on 02.04.1979 under Rule-7
of the Haryana Civil Services (Revised Scale of Pay) Rules, 1980, (in short
'the Rules').

3. Learned State counsel contends that the petitions are pre-mature as the impugned letter dated 21.03.2002, is an internal communication of the Department mentioning, in case the petitioners "*were granted increment with effect from 02.04.1979 inadvertently, they are not entitled to this. Therefore, their pay may be re-fixed and recovery amount may be prepared in notice which should be verified from Section Officer. This action may be taken within one week.*" However, no action was taken. No recovery has been effected from the petitioners; neither their pay has been refixed, nor has any verification been done by the Section Officer. Besides, no show cause notice was ever served on the petitioners for the purpose. He further contends that as of now, the petitioners have superannuated from service and have been given pensionary benefits also on the basis of the emoluments drawn by them.

4. In view of the facts aforementioned, these petitions stand disposed of as having been rendered infructuous.

5. Photocopy of the order be placed on the file of other connected cases.

(TRIBHUVAN DAHIYA)
JUDGE

16.07.2024

kv

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No