



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

367

CWP-7471-2001 (O&M)
Date of decision: 22.05.2024

Harbail Singh and Others
.....Petitioners
Versus

State of Punjab and Others
...Respondents

CWP-6992-2002 (O&M)

Balwinder Singh and Others
.....Petitioners
Versus

State of Punjab and Others
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioners
Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J. (ORAL)

1. These cases involve similar issues and therefore, are being disposed of together by this common judgment.
2. The prayer in the present petitions is for directing the respondents to pay House Rent Allowance to the Govt. Employee posted within 10 miles of International Border belt of Distt. Amritsar.
3. Reliance in these cases was placed on CWP-3736-1996 titled as **Surinder Singh and Others vs. State of Punjab and Others**, which stands disposed of vide order dated 08.03.2001, which reads thus:

“Mr. Ram Krishan, Deputy Director of the respondent is present. It is stated that as per record available with him, no notice



was given to the petitioners before passing the impugned order. In other words, recovery was ordered to be effected without complying with the basic principle of natural Justice.

Learned counsel for the petitioners contends that under the instructions, they were entitled to receive both the benefits. It is not necessary for this court to go into this question at this stage, as it is stated by the officer of the respondent that the petitioners were not given any notice before effecting the recovery. Thus, the respondents cannot be permitted to continue recovery on the basis of some instructions issued by the Commissioner more particularly when the case of the petitioners is that both the benefits accruing to them has not been withdrawn by any valid or proper notification. Resultantly, the respondents are restrained from effecting any recovery.

The respondent shall give notice to the petitioners within four weeks from today. Reply, if any. thereto shall be filed by the petitioners within two weeks thereafter. Thereupon, respondent shall pass the speaking order and send the copy thereof by registered post to the petitioners. The respondents will be free to decide the entire matter including the question whether the concession given to the petitioners has been withdrawn in accordance with law or not. There shall be stay of recovery till the passing of the final order.

With the above directions, writ petition stands disposed of.”

4. Learned State counsel has not been able to draw out any distinctive aspects in the aforementioned judgment, in view of which, the present petitions are disposed of in terms **Surinder Singh** (supra).
5. A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

22.05.2024
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No