



CWP-9150-2004

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

500

CWP-9150-2004

Date of Decision: 23.05.2024

Vinod Kumar and others

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- None for the petitioners

Mr. Sehajbir Singh Aulakh, Assistant Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of recovery of ₹52,718/-.
2. The respondent, alleging excess payment vide communication dated 27.03.2004 (Annexure P-4), initiated recovery of ₹52,718/-. This Court on 09.06.2004 stayed recovery from the pay of the petitioners. The order dated 09.06.2004 is reproduced as below:

“Records of Civil Writ Petition No.1088 of 2004, as ordered by the Bench, then seized of the matter, are available. We have gone through the judgment passed in CWP No.1088 of 2004, which does support the cause of the petitioners that at least recovery from the pay of the petitioners should not be made.



We have gone through the contents of the writ petition and heard arguments of learned counsel in support thereof. Even though, as per current roster valid during summer vacation, only Misc. Applications with regard to stay have to be heard, but, orders in the misc. applications have to be passed in the context of the averments made in the petition. Therefore, even though, we issue notice only of Misc. No.10336 of 2004 to the respondents for 12.7.2004, office shall send copy of the petition as well to the respondents so that meaningful reply can be filed.

In the meanwhile, recovery from the pay of the petitioners shall remain stayed.”

3.

Learned State counsel concedes that total amount involved in the present petition is ₹52,718/- and order dated 09.06.2004 vide which stay was granted till date has not been modified.
4.

Considering the fact that there are three petitioners and amount involved is minuscule, without commenting upon merits of the case, interim order dated 09.06.2004 is made absolute.
5.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

23.05.2024
Mohit Kumar

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