

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210-A)

CWP No. 25075 of 2018
Date of Decision : 06.02.2024

EHC, Suresh Kumar and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Daryal, Advocate for the petitioners.
Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. Learned counsel for the petitioners submits that on the basis of letter dated 30.04.2018 (Annexure P-4), the recovery was started against the petitioners on the basis of some recommendations of the National Human Rights Commission, New Delhi. Learned counsel for the petitioners further submits that with regard to the criminal proceedings on the same aspect, the petitioners have already been declared innocent and the order dated 30.04.2018 (Annexure P-4) was passed without giving any opportunity of hearing to the petitioners.
2. Learned counsel for the respondents submits that the deduction of ₹10,000/- from the salary of the petitioners was started on the basis of the recommendation of the National Human Rights Commission, New Delhi. Learned counsel for the respondents submits that as per the order passed by the

National Human Rights Commission, New Delhi awarding payment of ₹5,75,000/-, the amount in question was released as per recommendations of the Human Rights Commission, which amount was sought to be recovered by the impugned order dated 30.04.2018 (Annexure P-4). Learned State counsel further submits that keeping in view the interim order passed, no recovery has been done from the petitioner so far.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. In case, any recovery is to be done from the employee concerned, due show cause notice has to be given to him. In case, on the direction given by the National Human Rights Commission, New Delhi, any sum has been paid by the department on behalf of the petitioners, the same can be recovered from the petitioners but by adopting a procedure envisaged under law so as to give an opportunity to defend the petitioners.

5. The present petition is disposed of with the observation that in case, the department has made any payment on behalf of the petitioners under any order passed by the National Human Rights Commission, New Delhi to the beneficiaries of the said order, the department will be free to recover the said amount but after following due process by giving due show cause notice to the petitioners for the recovery of the same.

6. Petition is disposed of in above terms.

February 6nd, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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