

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

234

CWP-24509-2021

Date of Decision: 05.03.2024

MAHAVIR SINGH

...Petitioner

VS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Daaria, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner that certain recovery has been done from the pensionary benefits of the petitioner, which act on the part of respondent is arbitrary and legal.

2. Prayer of the petitioner is that the amount recovered from the pensionary benefits be refunded back to the petitioner along with arrears and interest.

3. Upon notice of motion, the respondents have filed the reply wherein, they have mentioned that vide order dated 24.08.2021, the amount of Rs.1,96,739/- was to be recovered from the petitioner and the said amount has already been recovered out of total leave encashment admissible to the petitioner to the tune of Rs.2,61,960/- and the remaining amount of Rs.65,221/- of the leave encashment has been paid to the petitioner.

4. Learned counsel for the petitioner submits that no such order of recovery of Rs.1,96,739/- has been conveyed to the petitioner.
5. I have heard learned counsel for the parties and I have gone through the record.
6. Once, the respondent in their reply have justified the recovery of the amount which is based upon order already passed, this Court will not interfere, in the said recovery keeping in view the fact that the amount recoverable before the retirement of an employee, can be recovered from the retiral benefits.
7. As far as the prayer of the petitioner that he has not been given the order dated 24.08.2021, respondents are directed that in case any application is received from the petitioner to supply the said order, the same be supplied once again and the petitioner is free to avail appropriate remedy against the said order in case the petitioner feels aggrieved.
8. The present petition is disposed of accordingly.

(HARSIMRAN SINGH SETHI)

JUDGE

05.03.2024

pry

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