

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

CM-6455-CWP-2024 in/and
CWP No. 21255 of 2023 (O&M)
Date of Decision : 22.04.2024

Shiv Pal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Maanipur, Advocate for the petitioner.
Mr. Harish Nain, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

Though, the main case is listed for hearing on 30.04.2024 but on the joint request of learned counsel for the parties, the same is taken up for hearing today.

CWP No. 21255 of 2023 (O&M)

Learned counsel for the petitioner submits that the impugned order dated 04.09.2023 (Annexure P-12) passed in appeal has already been withdrawn by the respondents with liberty to pass a fresh order, hence, the present petition has been rendered infructuous and the same may kindly be disposed of as such. Learned counsel for the petitioner further submits that in the case of the other similarly situated eight

employees, against whom also the same order in appeal was passed and the said order has also been withdrawn, no recovery is being done till the pendency of the appeal, hence, the respondents be directed not to recover any amount in pursuance to the impugned order from the pension of the petitioner till the decision of the appeal.

Learned counsel for the respondents has not been able to rebut the said fact that qua the other employees, during the pendency of the appeal, the recovery is not being done in pursuance to the impugned order, hence, in the case of the petitioner also, till the fresh order is passed by the appellate authority, no further recovery from the pensionary benefits of the petitioner be done.

Petition is disposed of in above terms.

Miscellaneous application i.e. CM-6455-CWP-2024 stands disposed of accordingly.

April 22th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No