



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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RSA-454-2017 (O&M)
Date of decision : 07.11.2024

Ravi BhushanAppellant

V/S

State of Haryana and othersRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Pankaj Mohan Kansal, Advocate for the appellant.

Mr. Saurabh Mohunta, D.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. The appellant has filed the instant appeal against judgment and decree dated 21.11.2016, whereby learned Additional District Judge, Ambala, while allowing the appeal filed by the respondents/defendants has set aside the judgment and decree dated 11.07.2016 passed by learned Civil Judge (Junior Division), Ambala, whereby suit for declaration filed by the appellant/plaintiff has been decreed.

2. Learned counsel for the appellant submits that one of the points raised before the Courts below was that without issuing any notice and grant of an opportunity of personal hearing, a sum of Rs.2,98,686/- was recovered from the appellant/plaintiff on the ground that on fixation of pay at par with his junior, he was only entitled for arrears of Rs.76,038/-, whereas he was wrongly paid a sum of Rs.3,74,724/-. Admittedly, the said recovery has been effected from the

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appellant/plaintiff in violation of the principles of natural justice as no show cause notice was issued to the appellant before deducting the amount and no mis-representation or fraud has been committed by the appellant.

3. Learned counsel for the appellant further submits that it would be appropriate if the matter is remanded back to the concerned authority with a direction to take fresh decision qua recovery proceeding after adhering to the principles of natural justice.

4. Learned State counsel has not opposed the prayer made by learned counsel for the appellant.

5. It is undisputed that the amount in question has already been recovered from the appellant.

6. In view of the above, the matter is remanded back to the respondent-department with a direction that the concerned authority shall take fresh decision qua recovery of amount from the appellant after complying with the principles of natural justice within a period of three months, from the date of receipt of certified copy of this order. It is made clear that a fresh decision which will be taken by the concerned authority shall settle whether the amount is to be retained by the department or repaid to the petitioner.

5. Disposed of in the above terms.

07.11.2024*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No