



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

CWP-30846 of 2024

Date of decision: 18.11.2024

Sharwan Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Jagdeep Rana, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for setting aside order dated 29.10.2024 (Annexure P-16) whereby claim of the petitioner for medical reimbursement has been rejected and has been directed to be recovered from the pension of the petitioner; for direction to the respondents not to deduct any amount from the petitioner during the pendency of the present petition and refund the deducted amount along with interest @ 18%; for directing the respondents to release the pensionary benefits i.e. payment of leave encashment, GIS and LTC for the block year 2024-27.

2. Learned counsel for the petitioner submits that one of the grounds for impugning the order dated 29.10.2024 (Annexure P-16) is that the same has been passed without following the principles of natural justice as neither any show-cause notice was issued nor an



opportunity of personal hearing was granted to the petitioner. Learned counsel for the petitioner 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 proceedings after adhering to the principles of natural justice.

3. Learned State counsel has not opposed the prayer made by learned counsel for the petitioner.

4. 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 petitioner 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 recovered amount is to be retained by the department or repaid to the petitioner.

5. Disposed of in the above terms.

18.11.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No