



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(125)

CWP No. 34243 of 2024
Date of Decision : 18.12.2024

Charanjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deepak Nayar, Advocate for the petitioner.
Mr. Swapan Shorey, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance of the petitioner is that he has already retired from service on 30.04.2022 and after the retirement, the petitioner has been given impugned notice for recovery dated 07.10.2024 (Annexure P-4) on the ground that the petitioner while working with the respondent-department had caused loss to the State Exchequer, which needs to be recovered.
2. Learned counsel for the petitioner submits that no notice of recovery can be issued to the petitioner after his retirement.
3. Notice of motion.
4. Keeping in view the advance copy given, learned counsel for the respondents submits that only a notice has been issued to show cause and whatever the pleas/objections are raised by the petitioner qua the proposed action, the same will be considered by the respondents and appropriate order



will be passed keeping in mind the judgment passed in CWP No. 13808 of 1998 titled as ***Major Singh, Panchayat Secretary Vs. The Director Panchayats & Rural Development***, decided on 22.07.1999 being relied upon by the petitioner.

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

6. Once, only a show cause notice has been issued to the petitioner to respond to the proposal of the department and no order effecting the recovery has been passed against the petitioner, the present petition is premature.

7. Once, the State has accepted before this Court that all the objections raised by the petitioner qua the proposed action including the judgment in ***Major Singh, Panchayat Secretary's case (supra)***, will be taken into account so as to decide the proposal as mentioned in the show cause notice, no ground is made out for interference at this stage. However, in case any order causing prejudice to the petitioner is passed, petitioner will be free to avail appropriate remedy available to him for the redressal of his grievance.

8. Disposed of in above terms.

December 18, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No