



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

114

CWP-2520-2025

Date of Decision: 30.01.2025

RAM NATH

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Challenging the office order dated 10.12.2024, whereby revised pension has been recommended to be refixed notionally w.e.f. 01.08.2021 to 31.07.2023 as well as the order dated 23.12.2024 calling upon the petitioner to redeposit the salary for the period from 01.08.2021 to 31.07.2023, the petitioner has approached this Court.

Learned counsel for the petitioner *inter alia* contends that the petitioner was initially working on a Group-C post, however, his services were regularized against a Group-D post. The petitioner approached this Court by way of a Civil Writ Petition No.9977 of 2015 seeking regularization of his services on the post of Pump Operator which is a Group-C post. The said writ petition came to be allowed by this Court vide order dated 06.12.2022 and the respondents were directed to regularize the services of the petitioner w.e.f.

01.02.1996 with all consequential benefits of a Group-C post, however, the monetary benefits were confined only to 38 months prior to the filing of writ petition and were payable with interest @ 5% per annum. The order dated 06.12.2022 was subject matter of challenge in LPA No.580 of 2023. The said LPA was ordered to be tagged with a bunch of connected LPAs and later on vide order dated 01.05.2024, the LPAs were simply admitted by this Court without granting any interim relief/protection. Eventually, in compliance to the order dated 06.12.2022, the respondents passed an order regularizing the services of the petitioner under Group-C post. Learned counsel for the petitioner further contends that by that time, the petitioner had already been superannuated from Group-D post after attaining the age of 60 years. It is submitted that the respondents have now initiated action for recovery of the salary for said period of two years, during which the petitioner had rendered his services.

Counsel further contends that at this juncture the petitioner would be satisfied in case respondent No.2 – The Engineer-in-Chief, Public Health Engineering Department, Haryana, Panchkula is directed to treat the present petition as a representation and to consider and decide the same by passing a reasoned and speaking order in view of the circumstances set out in the present petition. He further prayed that till the passing of speaking order by respondent No.2, the recovery of salary may also be stayed.

Learned State Counsel submits that she has no objection to the prayer made by learned counsel for the petitioner.

Accordingly, in view of the above, with the consent of the parties and without commenting anything on the merits of the case, the present petition

is disposed of while directing respondent No.2 to treat the present petition as a representation and to consider and decide the same by passing a reasoned and speaking order on the grievance espoused by the petitioner about initiating the process of recovery of the salary disbursed to him for the period when he had actually rendered services on a Group-D post, while carrying out a revision of pension and other benefits admissible to a Group-C employee, after affording an opportunity of hearing to the respective parties within a period of four months of the receipt of certified copy of this order.

The recovery from the petitioner on account of salary paid to him for the period from 01.08.2021 to 31.07.2023 shall remain stayed till the decision of the representation; and for a period of 15 days thereafter, if the decision comes against the petitioner.

Petition stands disposed of accordingly.

JANUARY 30, 2025.

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**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No