



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-4598-2003 (O&M)

Date of decision: 02.05.2025

Shyam Lal Bajaj

...Petitioner

VERSUS

State of Haryana and others

...Respondents

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

Present :- None for the petitioner(s).

Ms. Dimple Jain, DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present petition is to the Annexures P-10, P-11 and P-12 whereby salary of the petitioner has been reduced by withdrawing the benefit of higher standard pay scale and recovery was ordered to be effected from the gratuity of the petitioner without deciding the reply to the Show Cause Notices submitted by the petitioner.

As per the averments made in the petition, the petitioner joined the Education Department of erstwhile State of Punjab on 24.06.1965 and thereafter he was allocated State of Haryana. The petitioner was granted the benefit of higher standard pay scale of Rs.1640-2900 on completion of 20 years of satisfactory service w.e.f. 01.01.1994. Vide impugned orders, the said benefits have been seemingly withdrawn and recovery was sought to be effected.



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The instant petition came up for hearing on 27.03.2003, the recovery was ordered to be stayed. The matter was eventually admitted vide order dated 18.05.2004. The same was listed for hearing on 28.08.2024, when this Court issued notice to the counsel for the petitioner for 31.01.2025, on which date, no one chose to appear on behalf of the petitioner whereupon Registry was directed to issue fresh notice to the petitioner as well as his counsel. Registry has informed that notice to the petitioner remained unserved as he retired from service.

Taking into consideration the totality of circumstances as also the instructions that have been issued by the State Government from time to time, recovery cannot be effected from a Class III employee where certain benefits have been disbursed to him for no fault on the part of the employee or which is not attributable to any fraud.

Be that as it may, as there is no representation on behalf of the petitioner, it seems that the grievance of the petitioner may not survive any further on account of the efflux of time. Thus, while confirming the order dated 27.03.2003, the present petition is disposed of as having been rendered infructuous with respect to any other grievance.

Liberty is, however, granted to the petitioner to seek revival of the present petition, in case any grievance still subsists.

(VINOD S. BHARDWAJ)
JUDGE

02.05.2025*Mangal Singh*

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No