

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

473

CWP-17986-2002 (O&M)

Date of decision: 21.02.2025

Kirana Devi and Others

....Petitioners

Versus

State of Punjab and Others

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Aruna Sachdeva, Advocate for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

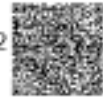
AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for quashing the orders dated 15.10.2002 and 10.07.2002, vide which the recovery was ordered to be effected from the petitioners w.e.f. June, 2002 and October, 2001, Annexures P-7 to P-10, which the Division Bench of this Court had stayed the same on 14.11.2002.

2. In the index of the petition, reliance had been placed on pendency of CWP-14589-2002 titled as **Ramesh Singh and Others vs. State of Punjab and Others**, which was allowed on 28.01.2003 by the Division Bench, which reads thus:

“Petitioners are claiming that they have been working with the department as Masters for a number of years. They were initially appointed on 89 days basis. Subsequently, through Departmental Selection Committee. their services were regularised. They, therefore, claimed that the break in their service be counted for increment under rule 4.9 (A) Note-4 of the Punjab Civil Services Rules, Volume-1. Part-1.

On the other hand, it is submitted by Mr. Sran that, in fact, petitioners had earlier been selected in excess of number of posts advertised. The selection and appointment on excess posts was challenged in this Court. Those writ petitions were



allowed and the candidates who were selected/ appointed beyond the advertised posts were declared to be not entitled to continue in service. However, in order to tide over the situation, the petitioners were appointed on different dates for a period of 89 days. Subsequently, in the year 1986-87 the petitioners and number of other similarly situated masters were regularly appointed. Therefore, it cannot be said that this was a case of regularisation of the service which the petitioners have rendered in the department on the basis of being appointed for 89 days at a time. The pay fixation of the petitioners was earlier sought to be withdrawn by the order dated 27.6.2001. The petitioner filed civil writ petition No.16506 of 2002. The aforesaid writ petition was allowed. The order of recovery was quashed. The respondents were directed not to reduce the salary of the petitioner or to effect any recovery without giving an opportunity of hearing to the concerned employee. Even after the passing of the aforesaid order, the respondents have again sought to refix the pay of the petitioners and to effect the recovery.

We are of the considered opinion that the impugned order (Annexure P.10) is liable to be quashed as the same has been passed without complying with the rules of natural justice. Petition allowed. Annexure P10 is quashed. The respondents are directed to take action against the petitioner and persons similarly situated only after complying with the rule of natural justice.”

3. Learned State counsel being unable to controvert the aforesaid, the present petition is disposed of in terms thereof.

(AMAN CHAUDHARY)
JUDGE

21.02.2025

M.Kamra

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