

2025:PHHC:026580



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

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CWP-24261-2018

Date of decision: 24.02.2025

CHAND SINGH DALAL

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: - Mr. Mohinder Pal, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The petitioner has approached this Court seeking quashing of the order dated 05.04.2018 (Annexure P-21), 16.04.2018 (Annexure P-22), 16.07.2018 (Annexure P-26) passed by respondent No.4-the Executive Engineer, Jhajjar Water Services Division, Jhajjar and order dated 16.07.2015 (Annexure P-2) passed by respondent no.5-the Executive Engineer, Rai Water Services Division, Sonipat whereby the respondents had initiated the process of recovery from the petitioner notwithstanding that there was a prohibition so imposed.

2. Counsel for the petitioner contends that in this manner an amount of Rs. 1,39,002/- had been recovered from the petitioner despite the



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respondents themselves admitting in the reply to the legal notice sent to the petitioner that such recovery could not be effected from him.

3. Pursuant to an order passed by this Court on 10.05.2023, an affidavit is claimed to have been filed, however, since no such affidavit was on record, a copy thereof has been handed over to the Counsel for the petitioner in Court today. Para Nos. 5 and 6 of the said affidavit filed through Dalbir Singh Dhillon, Executive Engineer, Jhajjar Water Services Division, Jhajjar reads thus:-

“5. That in terms of above said letters of Finance Department Haryana, the Higher Standard Pay Scale of Rs. 2000-3200/- was again granted to the petitioner. The pay of the petitioner has also been re-fixed w.e.f. 01.01.1986 and restoring his annual increment as on 01.07.1986 and by granting 1st Higher Standard Pay Scale of Rs. 2000-3200/- by answering respondents vide office order No. 1634-41/31-A dated 20.03.2018. The arrear of pay w.e.f. 08.12.2009 has already been released in favour of the petitioner.

6. That the annual increment which was shifted from 01.07.1986 to 01.01.1987 as well as Higher Standard Pay Scale which was earlier withdrawn due to which recovery occurs, has been granted to the petitioner w.e.f. 08.12.2009 in pursuance to the Finance Department Haryana letter dated 15.12.2017 vide order dated 20.03.2018 in compliance of the order passed by the Finance Department and arrear of pay amounting to Rs. 1,26,874/- (129506-2632 (Income Tax) has also been granted to the petitioner vide Bill No. 19 dated



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16.04.2018 and thus the arrear of pay amounting to Rs. 1,26,874/- (129506-2632 (Income Tax) granted to the petitioner vide Bill No. 19 dated 16.04.2018 is relatable to the claim of the petitioner for recovery of Rs. 1,39,002.”

4. It is averred in the aforesaid affidavit that the amount of Rs.1,26,874/- was credited to the account of the petitioner after deduction of Income Tax.

5. In view of the aforesaid affidavit filed by the respondents acknowledging that the amount of Rs. 1,39,002/- deducted from the petitioner stands released and the pension refixed, I find that the grievance of the petitioner stands redressed.

6. The present writ petition is disposed of as having been rendered infructuous at this stage. Liberty, is however, granted to the petitioner to seek revival of the present writ petition and/or to take recourse to the an appropriate proceedings against the respondents in case the aforesaid averment is found to be factually incorrect.

FEBRUARY 24, 2025*Vishal Sharma***(VINOD S. BHARDWAJ)
JUDGE**

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