

(2011) 05 P&H CK 0260

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No's. 16692 of 1990 (O and M) and 5970 of 1991 (O and M)

Bachittar Singh and Others

APPELLANT

Vs

Punjab Mandi Board and Another
 Kewal Krishan
Kumar and Others Vs State of Punjab and Others

RESPONDENT

Date of Decision : 20-05-2011

Acts Referred:

Citation : (2011) 05 P&H CK 0260

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Judgement

K. Kannan, J.—All the Petitioners in these writ petitions seek for a direction to the Respondents to pay the house rent allowance drawn by them as of 30.08.1988 on the ground that the allowances already availed by them were protected and any payment made already before its subsequent reduction was liable for adjustment in the scales sanctioned w.e.f. 01.09.1988. I do not feel compelled to go into the merits for two reasons: (i) there shall be no recovery possible unless the payment in alleged excess was consequent upon any fraud or misrepresentation. There is no such suggestion made and in terms of the law laid down by the Full Bench in Budh Ram and Ors. v. State of Haryana and Ors. 2009 (3) PLR 511 and (ii) the Government itself has given a clarification through a notification dated 06.02.2008 where it stated that any employee, who is still drawing house rent allowance including house rent allowance in lieu of rent free accommodation over and above the rates as per his entitlement in lieu of rent free accommodation should be paid the house rent allowance as per his entitlement after affording to him an opportunity of hearing.

2. Such of those Petitioners, who have already retired, would not be subject to any recoveries and such of those persons, who still are continuing shall be afforded an opportunity as contemplated in the notification dated 06.02.2008. The writ petitions are disposed of in the light of the directions of the Government

dated 06.02.2008 vide No. 1/21/2005-2FP-1/1073 of Government of Punjab, Department of Finance. If any recovery has already been made till interim orders were obtained from this Court in any of the writ petitions, the said amount shall be paid back by the Market Committee to the Petitioners within 8 weeks from the date of receipt of the copy of the order.