
(2012) 09 SHI CK 0028
In the High Court Of Himachal Pradesh
Case No : CWP No. 3721 of 2009-H

Daya Ram Dutt

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 13-09-2012

Acts Referred:

Citation : (2012) 09 SHI CK 0028

Hon'ble Judges : V.K. Ahuja, J

Bench : Single Bench

Advocate : J.S. Guleria, Assistant Advocate General, for the Respondent

Judgement

Justice V.K. Ahuja, J.—Petitioner has filed the present writ petition claiming the following relief:

That a writ of mandamus may kindly be issued to the respondents to refund the amount of Rs. 16000/- recovered from the retrial dues of the petitioner and the same may be ordered to be refunded back to the petitioner with interests at the rate of 8% per annum thereon.

Briefly stated, the facts of the case, as alleged by the petitioner, are that he was working as a Forest Worker on regular basis in Habban Range, Forest Division, Rajgarh and was to retire on 29th February, 2008, but was retired by the respondents themselves on 19th May, 2008, after about three months. A show cause notice was issued to the petitioner to refund the salary paid to him on the ground that he was not entitled to the pay for the period after 29th February, 2008 till 19th May, 2008 since he was to retire on 29th February, 2008.

2. The petitioner was to retire on 29th February, 2008 and it was the duty of the respondents to issue a proper notification/office order for his retirement before that date. He was allowed to continue to work till 19th May, 2008 and since he worked for this period and has not worked against the orders of the respondents, he is entitled to the salary for the period he had worked. Therefore, the show cause notice issued to the petitioner asking him to refund the amount of Rs.

16,000/- is quashed and the respondents are restrained from effecting any recovery from the petitioner on this count. If the recovery is already effected, the said amount shall be refunded to the petitioner by the respondents within a period of one month from the date of production of a copy of this judgment by the petitioner before respondent No. 3, failing which, the respondents shall be liable pay interest at the rate of 8% from the date of recovery of the amount till payment. With the above directions, the writ petition stands disposed of, so also the pending application(s), if any.