

**(2021) 04 SHI CK 0055**  
**In the High Court Of Himachal Pradesh**  
**Case No : Civil Writ Petition No. 2291 Of 2021**

Desh Raj

APPELLANT

Vs

Himachal Pradesh Road Transport Corporation & Another

RESPONDENT

---

**Date of Decision :** 08-04-2021

**Acts Referred:**

**Citation :** (2021) 04 SHI CK 0055

**Hon'ble Judges :** L. Narayana Swamy, CJ;Anoop Chitkara, J

**Bench :** Division Bench

**Advocate :** Lalit K. Sharma, Shubh Mahajan

**Final Decision :** ?Allowed

---

## Judgement

L. Narayana Swamy, CJ

1. The respondents have issued recovery order dated 9th March, 2021 (Annexure P-5) amounting to Rs.2,27,942/- against the petitioner. Against the said order, the petitioner has made a representation dated 12th March, 2021 (Annexure P-7), which is still pending consideration. It is pleaded that before issuance of the recovery order, the petitioner has not been given an opportunity of hearing.

2. It is further submitted that when the salary has been paid to the petitioner, it becomes his property and before effecting any recovery, the affected party has to be heard, but no such opportunity in this regard has been given by the respondents. Hence, the petitioner has rightly made the representation.

3. On the other hand, learned counsel for the respondents supports the recovery order and prays that the present petition be dismissed.

4. We have heard learned counsel for the parties and gone through the record.

5. Perusal of the record shows that there is non-compliance of principle of natural justice. When a person is penalized for recovery, he should have been given a right of hearing, explaining on what grounds, the recovery order has been

passed.

6. In view of the above, we allow the present petition and quash recovery order dated 9th March, 2021 (Annexure P-5). The respondents are directed to consider the representation dated 12th March, 2021 (Annexure P-7) of the petitioner and pass appropriate orders thereon, after affording an opportunity of hearing to him, within a period of three weeks from the date of receipt of a copy of this order.

7. Pending application(s), if any, also stand(s), disposed of.