
(2023) 08 SHI CK 0004
In the High Court Of Himachal Pradesh
Case No : CWPOA No. 898 Of 2020

Ram Singh And Ors

APPELLANT

Vs

State Of Himachal Pradesh And Ors

RESPONDENT

Date of Decision : 01-08-2023

Acts Referred:

Citation : (2023) 08 SHI CK 0004

Hon'ble Judges : Satyen Vaidya, J

Bench : Single Bench

Advocate : Onkar Jairath, Pushpender Jaswal, Rahul Thakur, Priyanka Chauhan

Final Decision : Allowed

Judgement

Satyen Vaidya, J

1. The instant petition has been filed for the grant of following substantive relief:-

i) That impugned notification/ order dated 26.07.2016 (Annexure A-4) and Office Order-cum Notices dated 07.12.2016 (Annexure A-5) Colly) may kindly be quashed and set aside and the respondents may be further directed to not to effect recovery from the applicants.

2. Learned Deputy Advocate General has placed on record instructions issued by Director of Elementary Education, H.P., according to which, the relief with respect to effecting the recoveries from petitioners is covered by the judgment passed by Division Bench of this Court in S. S. Chaudhary Vs. State of H.P. (2020) 2 Himachal Law Reporter 954.

3. Learned counsel for the petitioners has submitted that in view of the stand taken by the respondents, his clients will be contended in case the relief with respect to the recovery of amount, as prayed in the instant petition, is granted. He has further submitted that for rest of the relief(s), the petitioners shall be availing appropriate remedy in accordance with law, if so advised.

4. Keeping in view the respective stands as taken by the parties, as also from perusal of the contents of petition, relief with respect to the recovery of amount from the petitioners is covered by the judgment passed by Division Bench of this Court in S.S. Chaudhary's case (supra). Accordingly, petitioners are also held entitled to the same relief. The recoveries sought to be effected from petitioners vide Annexure A-5 (Colly.) are quashed and set aside.

5. The petition is allowed in the aforesaid terms.

6. Pending miscellaneous application(s), if any, shall also stand disposed of.