
(2013) 01 RAJ CK 0019
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4219 of 2009

Shri Narayan Lal	Vs	APPELLANT
RRVPN Ltd. and Others		RESPONDENT

Date of Decision : 14-01-2013

Acts Referred:

Citation : (2013) 2 WLN 259

Hon'ble Judges : Gopal Krishan Vyas, J

Bench : Single Bench

Advocate : S.K.M. Vyas, for the Appellant; Narendra Rajpurohit on behalf of Mr. Ravi Bhansali, for the Respondent

Judgement

Gopal Krishan Vyas, J.—Heard learned counsel for the parties. In this writ petition, following prayer has been made by the petitioner:-

- (i) The impugned order dt. 14th-15th of October, 2008 (Annex.-8) may kindly be quashed and set aside with all consequential benefit.
- (ii) The respondents are directed to refund the amount illegal recovered by them in pursuance of Annexure-8 with interest @ 12% per annum.
- (iii) The respondent may kindly be directed to make re-fixation of the petitioner in the pay scale of Rs. 1200-2050 at the basic pay of Rs. 1760/- w.e.f. 14th of August, 1989 and make the payment of revised retiral benefit with all consequential benefits within a given time.

2. The basic argument of learned counsel for the petitioner is that after due application of mind, the order Annexure-5 was passed by the respondents on 30.12.1994 whereby he was granted benefit of stepping up and his pay was fixed after granting benefit of stepping up but after retirement the respondents passed an order for recovery of the benefits extended to the petitioner vide order Annexure-5 dt. 30.12.1994 without disclosing any reasons.

3. Learned counsel for the petitioner submits that action of the respondents is

against the principles of natural justice because no notice nor any specific order has been passed by the respondents for rescinding the benefits granted to the petitioner vide order dt. 30.12.1994. Therefore, the recovery order passed by the respondents may be quashed and respondents may be directed to grant all retirement benefits on the basis of last pay drawn by the petitioner.

4. Learned counsel for the respondents submits that the benefit granted to the petitioner vide Annexure-5 was erroneously granted, therefore, it was felt necessary that at the time of finalization of retrial benefits that recovery is to be made from the retrial benefits, therefore, recovery order has been passed in this case. Therefore, it is prayed that this writ petition may be dismissed.

5. After hearing learned counsel for the parties, I have perused the entire writ petition and the documents annexed with the writ petition. Admittedly without providing any opportunity of hearing and giving notice to the petitioner with regard to the recovery, the respondents took decision to recover the amount, that too without cancelling the order dt. 30.12.1994, therefore, obviously the action of the respondents is totally against the principles of natural justice. Therefore, the order of recovery is hereby quashed and set aside with liberty to the respondents to give notice to the petitioner and after providing opportunity of hearing to the petitioner, they will be at liberty to pass fresh order in accordance with law. It is expected from the respondents that the above exercise will be completed within a period of three months. The writ petition is disposed of in above terms.