

(2020) 05 SHI CK 0055

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 1466 Of 2020

Sunita Devi

APPELLANT

Vs

State Of H.P. & Others

RESPONDENT

Date of Decision : 26-05-2020

Acts Referred:

Citation : (2020) 05 SHI CK 0055

Hon'ble Judges : L. Narayana Swamy, CJ; Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Ashish Verma, Ashok Sharma, Adarsh K. Sharma

Final Decision : Disposed Of

Judgement

L. Narayana Swamy, CJ

1. This petition has been filed with a prayer to quash and set aside recovery order dated 18.06.2018 (Annexure P-1) whereby recovery to the tune of

Rs.10,5293 has been sought from the petitioner.

2. It has been submitted by the learned counsel for the petitioner that the recovery order issued in the year 2018 has not been implemented till date. It

is well settled proposition of law that there cannot be any recovery without their being any notice to this effect and opportunity of being heard. Since

the impugned recovery order has not been implemented and no recovery has been effected from the petitioner, there cannot be any further recovery

from the petitioner.

3. Under these circumstances, we direct that the impugned recovered order dated 18.6.2018, may be treated as recovery notice and petitioner is

directed to file the reply to the same, within a period of four weeks from today and on receipt of the reply to the said notice, the respondents are

directed to pass appropriate orders. It is made clear that in case, the petitioner still feels aggrieved, she shall be at liberty to approach the Court. Till

the decision on the reply to the recovery notice is taken, there shall be stay of recovery order dated 18.6.2018.

4. With these observations, the petition stands disposed of along with pending applications, if any.