
(2001) 02 P&H CK 0124
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 5666 of 2000

Swarna Rani

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 24-02-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 02 P&H CK 0124

Hon'ble Judges : R.C. Kathuria, J;N.K. Sodhi, J

Bench : Division Bench

Advocate : Mr. R.C. Chatrath, for the Appellant; Mr. Lakhinder Bir Singh, Addl. AG, for the Respondent

Judgement

N.K. Sodhi, J.—This order will dispose of 39 civil writ petitions No. 17931 of 1999, 1116, 13305, 5666, 5718, 12531, 13110, 13123, 13418, 13419, 13713, 13716, 13849, 13932, 14054, 14133, 14225, 14263, 14264, 14269, 14296, 14336, 14337, 14418, 14435, 14553, 14571, 15044, 15117, 15163, 15223, 15513, 15673, 15678, 15686, 15830, 16530, 16920 of 2000 and 1250 of 2001 in which common questions of law and fact arise.

2. In all these cases recovery is sought to be made from the petitioners on the ground that some financial benefit was given to them which, according to the respondents, was contrary to the rules and to which the petitioners were not entitled. It is not in dispute that the recovery is sought to be made without affording any opportunity of hearing to the petitioners.

3. Mr. Dilbara Singh, Assistant Director in the office of Director Public Instructions (S), Punjab is present in court and states that no recovery would be effected from any of the writ petitioners without affording them an opportunity of hearing. He further states that each petitioner would be served with a notice to show cause why the amount be not recovered from him and he will be afforded an opportunity to file a reply. He also states that the replies, if any, filed by the petitioners would be considered by the competent authority and a speaking order

thereon would be passed in accordance with law. In some of the cases, the recover; has already been made by deducting the amount from the monthly pay of the petitioners. In view of the statement made by the Assistant Director, we allow the writ petitions and direct that no recovery be made from the petitioners till the competent authority decides the issue. There is no order as to costs.

Copy of this order be given dasti on payment of usual charges.

4. Order accordingly.