

ANITA PURI VS STATE OF HARYANA AND OTHERS

Present: Mr. S.P. Arora, Advocate and
Mr. Himanshu Arora, Advocate
for the petitioner.

The petitioner seeks quashing of the order dated 03.04.2023 (Annexure P.6), whereby the pay of the petitioner has been refixed w.e.f. 28.06.2017 and the order dated 29.05.2023/01.06.2023 (Annexure P.8), whereby recovery of 46 days' salary has been ordered to be effected from the retiral benefits of the petitioner.

Learned counsel for the petitioner submits that petitioner retired as a Deputy Director from the office of the respondents on 30.04.2023, but vide impugned order dated 03.04.2023 (Annexure P.6) the pay of the petitioner has been refixed w.e.f. 28.06.2017 and also recovery of Rs.1,76,488/- is sought to be effected from the earned leave account of the petitioner (Annexure P.8). It is submitted that the impugned orders have been passed without affording any opportunity of hearing to the petitioner. Still further, learned counsel would submit that the impugned recovery could not have been effected as the same is in violation of the law laid down by the Hon'ble Apex Court in State of Punjab and Others Vs. Rafiq Masih (White Washer) and Others, 2015(4) SCC 334.

Notice of motion.

Mr. R.S. Budhwar, Additional A.G., Haryana accepts notice on behalf of respondents and prays for time to file reply.

Adjourned to 14.08.2023.

In the meantime, operation of the impugned orders shall remain stayed.

02.06.2023
pry

(HARNARESH SINGH GILL)
JUDGE