

W.P. S.No.5673/2004

30/11/2013 :

Shri Praveen Dubey, learned counsel for the petitioner.

Shri Swapnil Ganguly, learned Panel Lawyer for the respondents State.

Petitioner was working in a scheme formulated by the Government of India for the purpose of eradication of leprosy . Based on certain circular issued by the State Government pay in a particular scale was granted to the petitioner. Subsequently, it was said that the Central Government has withdrawn the pay scale and therefore, amount of salary paid has been reduced. The consequential effect has been indicated and recovery of the amount paid is being recovered by the impugned order Annexure P/1 . However from the documents available on record it is clear that the representation of the petitioner for restoration of his pay scale in accordance to subsequent circulars were pending before the State Government. and as the recovery has been order without hearing the petitioner and without issuing notice to the petitioner, it is a case where the recovery should be quashed and matter is directed to be reconsidered in accordance to law.

Keeping in view the aforesaid the Impugned recover Annexure P/1 is quashed and respondents are directed to reconsider the claim of the petitioner in accordance to law after hearing the petitioner afresh within a period of three months. If advised, petitioner may file additional documents and justification for his claim before the competent authority and if entitled to the pay scale and other benefits be restored to the petitioner. Else a speaking order passed in the matter.

With the aforesaid, this petition stands allowed and disposed of.

c.c. as per rules.

(Rajendra Menon)
Judge