

**Court No. - 34**

**Case :-** WRIT - A No. - 18116 of 2023

**Petitioner :-** Sanjay Kumar Sharma

**Respondent :-** State Of U.P. And 5 Others

**Counsel for Petitioner :-** Ishir Sripat, Saurabh Patel

**Counsel for Respondent :-** C.S.C.

**Hon'ble Ajit Kumar, J.**

Heard learned counsel for the parties.

The petitioner is aggrieved by show cause notice dated 9th August, 2023 on the ground that petitioner cannot be held to be responsible in any manner for any wrongful pay fixation done in the past and the law laid down by the Supreme Court in the case of **State of Punjab v. Rafiq Masih, 2015 (4) SCC 334**, no such recovery can be pursued.

*Per contra*, learned Standing Counsel submits that petitioner himself prays for revision of pay and accordingly pension was fixed which was later on found to be defective one. Since the petitioner himself had made a request, he was liable to put to recovery in the light of law laid down by the Supreme Court in the case of High Court of **Punjab & Haryana and Others v. Jagdev Singh (CA No. 3500 of 2006)**.

Be that as it may, since petitioner has only been issued a show cause notice, it would be more appropriate for him to submit reply to the same and it is provided that in the event petitioner submits any reply within a period of four weeks from today, the same shall be considered and disposed of in accordance with law. However petitioner's pension can be resumed in the meanwhile on the basis of correct pay as has come to be noticed in the show cause notice dated 09th August, 2023. The appropriate decision shall be taken by the authority within a period of thirty days from the date of submission of reply by him as directed hereinabove.

With the aforesaid observations and directions, the writ petition stands disposed of.

**Order Date :-** 30.10.2023

Sanjeev