



2026:UHC:4312

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPSS/2328/2025</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Devesh Bishnoi, Advocate for the petitioner. 2. Mr. S.S. Chaudhary, Standing Counsel for the State of Uttarakhand. 3. Petitioner served as Assistant Teacher, L.T. Grade and retired from Government Girls Inter College, Beeronkhal, Pauri Garhwal, on 31.03.2024. Petitioner is aggrieved by recovery of ₹1,56,198/- from her gratuity. Thus, feeling aggrieved, petitioner has approached this Court seeking the following reliefs:- "A. Issue a writ, order or direction in the nature of mandamus directing the respondents to refund the amount of Rs.156,198/- from the retiral dues of the petitioner to her. B. Issue a writ, order or direction in the nature of mandamus directing the respondents to pay the amount towards Encashment of Earned Leaves (52 days) & Group Insurance Scheme & Balance GPF to the petitioner. C. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 3 to pay the interest @ 12% on the above amounts for the period that the payment has been delayed." 4. A counter affidavit is filed by Mrs. Jaya Kukreti, officiating Principal, Government Girls Intermediate College, Beeronkhal on behalf of respondent nos. 5 & 6. Para 10 of that counter affidavit is reproduced below:- "That, vide letter dated 03.07.2024 issued by the office of the Principal, Government Girls Inter College, beeronkhal, the excess amount of Rs. 1,56,198/- paid to the petitioner was recovered from her gratuity, and thereafter the pension case was forwarded to the Sub-Treasury, Dhumakot. Subsequently, the pension and



		gratuity amounts of the petitioner were paid by the Sub-Treasury, Dhumakot, through Voucher Nos. A20710207 and A20710211. The GIS dues of the petitioner were also paid through Voucher No. B80110027 dated 30.09.2024 by the Sub-Treasury, Dhumakot. In this connection, True/correct typed version/ copy of the Voucher Nos. A20710207 and A20710211, and GIS dues Voucher No. B80110027 is being annexed as Annexure No.-5Colly)." 5. Learned State Counsel admits that reason for recovery of ₹1,56,198/- is not indicated in the counter affidavit. 6. Learned counsel for the petitioner submits that petitioner was not responsible in any manner for the excess payment, if any, made to her. He submits that petitioner has not played any fraud upon the authorities nor she misrepresented the facts and whatever amount paid as salary to the petitioner, was as per the order passed by the competent authority. He submits that in view of law declared by Apex Court in the case of <i>State of Punjab and others v. Rafiq Masih (White Washer) and others</i>, reported as (2015) 4 SCC 334, petitioner is not liable to any recovery, that too after her retirement. Learned counsel for the petitioner further relies upon the judgment rendered by this Court in Writ Petition (S/S) No. 335 of 2023. He submits that the issue is covered by that judgment. 7. Learned State Counsel concedes that identical issue was decided in that judgment. He, therefore, submit that he has no objection, if the writ petition is decided in terms of the judgment rendered in Writ Petition (S/S) No. 335 of 2023. 8. In view of the consensus between the parties, the writ petition is decided in terms of the judgment rendered in Writ Petition (S/S) No. 335 of 2023. The
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			competent authority shall be at liberty to make recovery, if either of the two conditions mentioned in paragraph no. 14 of the judgment rendered in Writ Petition (S/S) No. 335 of 2023, are fulfilled. The competent authority shall examine as to whether petitioner's case falls in any of the two contingencies mentioned in the judgment rendered in Writ Petition (S/S) No. 335 of 2023 and if it is found that his case does not fall in any of the two contingencies, then his pending retiral dues shall be released, after adjusting the amount already paid, within two months from date of presentation of certified copy of this order before the competent authority. (Manoj Kumar Tiwari, J.) 30.05.2026 Navin
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