

503

C.W.P. No. 15286 of 2007

Mohanjit (through LRs) vs. State of Punjab and ors.

Present: Petitioner Nos. 1(i), 1(iii)-in person with
Mr. L.M.Gulati, Advocate
for the petitioners

Mr. Rajat Bansal, AAG Punjab with
Sh. Manjit Singh, JE, PWD (B&R), Amritsar

* * * *

In this writ petition the point involved is whether the payment to an employee allegedly made on some wrong basis or on account of wrong fixation of pay can be recovered or not later on. Petitioner-Mohanjit was a Class III employee working as Morter Mate in Construction Division No.2, PWD (B&R), Amritsar. Whether such recovery can be made or not was the subject matter of decision before the Apex Court in *State of Punjab and others versus Rafiq Masih (White Washer) etc.* reported as 2015 (Vol. I) RSJ 177. The Apex Court made certain categories from which recovery cannot be effected of the amount which might have been paid to the employee under the aforesaid circumstances. One of the categories is that recovery cannot be made from Class III or Class IV employee. Sh. Manjit Singh, JE, PWD (B&R), Amritsar has made a statement on behalf of the respondent-Department that since the case of the petitioner is covered by the aforesaid judgment of the Apex Court, the Department shall refund the entire recovered amount.

During the pendency of the writ petition petitioner-Mohanjit died and his legal representatives i.e. widow-Smt. Rajni

Aneja and two sons namely Sh. Raghav Aneja and Sh. Rishabh Aneja have been brought on record as legal representatives of petitioner-Mohanjit. The widow, one son namely Sh. Rishabh Aneja and counsel for the petitioners have made a statement that let the entire amount be refunded and paid to Smt. Rajni Aneja wd/o Mohanjit.

In view of the aforesaid facts and circumstances of the case and statements on behalf of the respondent this writ petition is disposed of by directing the respondents to make the payment of the entire amount recovered to Smt. Rajni wd/o Sh. Mohanjit on or before 28.8.2015. The amount may be deposited in her bank account, details of which are as follows:

*Smt. Rajni wd/o Sh. Mohanjit
Punjab National Bank, Lawrance Road, Amritsar
Account No. 0020000100411645
IFSC Code No. PUNB0002000*

or in the alternative, the amount may be sent to her by crossed-cheque by registered post at the following address:

Smt. Rajni wd/o Sh. Mohanjit, H.No. 36-B, Lawrance Road, Amritsar-143001.

Copy of the order as well as statements of the parties be given to learned counsel/parties and file be consigned to the records.

(R.S.MONGIA)
PRESIDENT

09.07.2015
Janki

(R.K.NEHRU)
MEMBER