

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

C.W.P. No.10016 of 2013 (O&M)
Date of Decision: 5.2.2015

Suresh Kumari

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Arun Yadav, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana.

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RAJESH BINDAL, J.

The only grievance of the petitioner is that certain benefits were granted to her in the form of higher standard pay scale during her service career, however, the same were withdrawn. Recovery of the amount already paid is sought to be made.

The petitioner on attaining the age of superannuation retired from service on 31.8.2008.

Considering the judgment of Hon'ble the Supreme Court in State of Punjab and others v. Rafiq Masih (White Washer) and others, 2015 (1) RSJ 177, recovery of any amount allegedly excess paid during service career of an employee, cannot be made after his/her retirement.

In view of the enunciation of law in the aforesaid judgment of Hon'ble the Supreme Court, the action of the respondents seeking to recover the amount allegedly excess paid to the petitioner during her service, after retirement, is not tenable. The impugned action of the respondents, seeking to recover the amount allegedly excess paid, is quashed and the writ petition is disposed of.

(Rajesh Bindal)

Judge

5.2.2015

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