

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

CWP No. 18023 of 2011 (O&M)

Date of decision: 31.07.2015

Birinder Singh

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Brijender Kaushik, Advocate for the petitioner.

Mr. Mohnish Sharma, Advocate
for the respondents.

Jitendra Chauhan, J. (Oral)

The learned counsel for the petitioner submits that the petitioner who was in the service of respondents retired as Bill Distributor on 01.08.2010. After issuance of show cause notice, the recovery order was passed on 01.03.2011, on account of wrong fixation of pay. It is contended that the wrong fixation of pay was carried out by the respondents and not on any misrepresentation of the petitioner. He further states that the case of the petitioner is squarely covered by the ratio of law laid down by the Hon'ble Apex Court in case **State of Punjab** Vs. **Rafiq Masih**, 2015(1) SCT 195.

On the other hand, the learned counsel for the respondents is unable to controvert the factual position.

Keeping in view the admitted facts, this Court feels that the case of the petitioner is squarely covered by the ratio of law laid down by the Hon'ble Supreme Court in *Rafiq Masih's* case (supra). Accordingly, the present petition is allowed in terms of **Rafiq Masih's** case. The respondents are directed to refund the recovered amount to the petitioner along with interest @ 8% per annum, within a period of six weeks from the receipt of certified copy of this order.

31.07.2015

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(JITENDRA CHAUHAN)
JUDGE