

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

**CWP No.14316 of 2015
Date of decision: 20.07.2015.**

Jai Bhagwan

..Petitioner

Versus

The Bhakhra Beas Management Board
and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. A.D.S. Jattana, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

The present writ petition has been filed for issuance of a writ in the nature of certiorari for quashing of impugned order dated 10.02.2015 (Annexure P/2) and order dated 26.02.2015 (Annexures P/3 & P/4), whereby, order of recovery has been sought to be effected from 15.09.1995.

Learned counsel for the petitioner submits that the order of recovery has been passed after a gap of about 20 years and at the time when the petitioner is going to retire on 31.07.2015 whereas no recovery can be effected from the petitioner as the same was given to him after refixation of the pay by the department. There was no

misrepresentation or concealment on the part of the petitioner. Learned counsel further submits that the case of the petitioner is squarely covered by the judgment of Hon'ble the Apex Court in **State of Punjab and others etc. vs. Rafiq Masih (White Washer) etc., 2015(1) RSJ 177** (Annexure P-7). Learned counsel for the petitioner also submits that the petitioner would be satisfied in case, directions are issued to decide the representations moved by him as no order has been passed thereupon so far.

In view of the submissions made by learned counsel for the petitioner, the present writ petition is disposed of with a direction to respondent No.1 to consider the case of the petitioner in view of **Rafiq Masih's case (supra)** and pass necessary orders after hearing the petitioner within a period of one month from the date of receipt of certified copy of this order.

Disposed of accordingly.

20.07.2015
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