

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

**CWP No.19352 of 2015
Date of Decision: 10.12.2015**

Bimla Devi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HONBLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Umesh Narang, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

DEEPAK SIBAL J. (ORAL)

Written statement filed on behalf of respondents in Court today is taken on record. Copy of the same has been handed over to the counsel opposite.

It is the uncontroverted position that the petitioner was serving the respondent-State as S.S. Mistress and retired from service on 30.09.2009. Through the impugned order dated 16.11.2012 (Annexure P-4) benefit of Second ACP granted to her was withdrawn and vide order dated 21.01.2014 (Annexure P-5) as a consequence of the re-fixation done on 16.11.2012, recovery has been ordered.

The order of recovery is challenged by the petitioner through the present writ petition.

As the petitioner has retired on 30.09.2009 as a Class III employee, in view of the authoritative pronouncement by the Apex Court

in ***State of Punjab and others Vs. Rafiq Masih (White Washer) etc. 2015 (2) SCC (C) 608***, no recovery can be made from her through the impugned order dated 21.01.2014 (Annexure P-5)

In fact, in the written statement filed on behalf of the respondents, it is admitted that in view of the ***Rafiq Masih's case (supra)***, no recovery is being effected from the petitioner.

No other prayer has been urged on behalf of the petitioner.

In view of the stand taken by the State of Haryana that no recovery is being effected from the petitioner, the present petition has been rendered infructuous.

Ordered accordingly.

10.12.2015
Bhumika

(DEEPAK SIBAL)
JUDGE