

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

**Civil Writ Petition No. 2415 of 2013(O&M)**

**Date of Decision: December 17 , 2015.**

Tilak Raj

..... PETITIONER (s)

**Versus**

State of Punjab and others

..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. V.K.Sandhir, Advocate  
for the petitioner.

Mr. Ashish Sharma, Addl.AG, Punjab.

Mr. R.D.Bawa, Advocate  
for respondent No.3.

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1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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**LISA GILL, J.**

Petitioner joined respondent No.3 – Municipal Corporation, Amritsar as a Peon on 16.06.1972. He was promoted as Clerk on 05.01.1976 and thereafter as Junior Assistant on 01.01.1990. He was promoted as Inspector on 25.03.2008. He was granted two Assured Career Progression increments after putting in 16 and 24 years of service on 02.11.2001 w.e.f. 01.01.1996. Petitioner superannuated on 31.07.2010. Respondent No.3 vide impugned

order dated 21.05.2010 (Annexure P1), refixed the petitioner's pay and on refixation ordered recovery of ₹63,636/- as one extra increment was granted to the employees in earlier ACP scheme.

Petitioner challenged the said recovery of ₹63,636/- as the said amount was deducted from retiral benefits due towards him. It is submitted that there was no misrepresentation or concealment on his part which led to payment of the said amount. In such a situation, he is covered by the decision of the Hon'ble Supreme Court in State of Punjab and others v. Rafiq Masih (White Washer) etc., 2015 (1) SCT 195. Learned counsel for the petitioner submits that challenge is laid only to the deduction effected by the authorities and not to refixation of pay.

Learned counsel for respondent No.3 submits that refixation of the petitioner's pay was effected due to the new ACP scheme (Annexure R7) as per the petitioner's option.

Mr. Bawa, learned counsel for respondent No.3 is however unable to deny that deduction of the said amount from the retiral benefits could not have been effected though refixation of pay has been correctly made.

Keeping in view the factual matrix as abovesaid, this writ petition is disposed of with a direction to respondent No.3 to refund the amount of ₹63,636/- deducted from the retiral benefits due towards the petitioner within two months from the date of receipt of certified copy of this order.

December 17, 2015.  
'om'

( LISA GILL )  
JUDGE