

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

CWP No. 8718 of 2015 (O&M)

Date of decision: 05.05.2015

Kewal Krishan

...Petitioner

Versus

BBMB and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. S.S. Rana, Advocate for the petitioner.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioner seeks quashing of the impugned order/reply dated 13.03.2015 (Annexure P-9) and issuance of directions to the respondents to release Rs. 1,17,000/- illegally recovered from the arrears of pensionary benefits of the petitioner without issuing any show cause notice.

The learned counsel contends that the petitioner retired on 31.03.2004. The impugned order dated 13.03.2015 (Annexure P-9), whereby the amount of Rs. 1,17,000/- has been sought to be recovered on account of excess payment towards EPF amount is illegal, arbitrary and against the principle of natural justice, in view of the ratio of law laid down by the Hon'ble Apex Court in case of **State of Punjab Vs. Rafiq Masih**, 2015(1) SCT 195.

Keeping in view the prayer made in the petition, without advertng to the merits of the case, the present petition is disposed of with a direction to the competent authority, which is stated to be respondent No.2, to consider and decide the claim of the petitioner, interms of Rafiq Masih's case (supra), by passing a speaking order, within a period of four months from the date of receipt of a certified copy of this order.

05.05.2015

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(JITENDRA CHAUHAN)
JUDGE