

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

LPA No.1177 of 2015 (O&M)

Date of Decision:-21.08.2015

Hardeep Kaur

.....Appellant

Versus

The State of Punjab and others

.....Respondents

**CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN.**

**Present:- Mr. Arun Gosain, Advocate
for the appellant.**

Mr. Vinod S. Bhardwaj, Addl. AG Punjab.

SATISH KUMAR MITTAL, J.(Oral)

The appellant is working as Junior Assistant in the office of Tehsil Welfare Officer, Batala, District Gurdaspur.

On account of grant of annual increments, excess amount was paid to the appellant for which she was not entitled to. Accordingly, a recovery of Rs.5,36,058/- was ordered to be effected from her salary w.e.f. September 2014. After that, till date the appellant was not paid the salary and her entire salary was exhausted towards the said recovery.

The appellant has challenged the said action by filing the writ petition which has been dismissed, against which the instant Letters Patent Appeal has been filed.

We have heard learned counsel for the parties.

In our view the deduction of entire amount of salary towards the aforesaid recovery is not permissible and highly unreasonable, as the person cannot be compelled to starve.

On instructions, learned counsel for the appellant states that in view of the excess payment made to the appellant, the appellant does not dispute the alleged recovery. However, he prayed that the recovery be effected from the appellant in installments.

In view of the said stand taken by the appellant, learned counsel for the respondents states that in future only 40% of the salary will be deducted towards the said recovery and the remaining 60% will be paid to the appellant. Since the appellant is going to retire in the month of April, 2016, if any part of the recovery remains outstanding, the same may be recovered from the service benefits of the appellant.

The appeal is disposed of in the aforesaid terms.

**(SATISH KUMAR MITTAL)
JUDGE**

21.08.2015
reema

**(MAHAVIR S. CHAUHAN)
JUDGE**