

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Letters Patent Appeal No.171 of 2015 (O&M)
DATE OF DECISION: 30.01.2015

Satender Kumar and others

....Appellants

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sumit Sangwan, Advocate for the appellants
..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral) :

This is an appeal against the order of the learned single Judge dated 04.12.2014 dismissing the appellants' petition seeking an order restraining the respondents from recovering the excess amount paid to the appellants.

2. The learned Judge has dealt with the matter in sufficient detail. The facts are undisputed. Suffice it to note that the appellants had earlier filed CWP No.1870 of 2011 which was disposed of by an order and judgment dated 01.02.2011. The respondents were directed to consider and dispose of the petitioners' claim in the light of the decision of this Court.

3. The respondents in compliance with the judgment, referred to in the said order, made payments to the petitioners on a written undertaking from them that if the orders relied upon

by the petitioners were set aside in appeal, the amounts paid to them would be recovered. The order on the basis of which the payments were made was, in fact, set aside in LPA No.287 of 2011 by an order and judgment dated 25.4.2011. The respondents were, therefore, entitled to recover the excess amounts based on the said undertaking.

4. The appellants were, therefore, aware of the fact that the amounts were paid by the respondents subject to the appellants' furnishing the undertaking. It is now not open to them to act contrary thereto.

5. The appeal is, therefore, dismissed.

As the appeal has been dismissed, the application for condonation of delay in filing the appeal is allowed.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

30.01.2015
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**(AUGUSTINE GEORGE MASIH)
JUDGE**