

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

**RSA No.954 of 2014 (O&M)
Date of decision: 22.12.2015**

Dalip Singh

... Petitioner

versus

State of Haryana and others

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rakesh Nagpal Advocate, for the petitioner

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

K.Kannan, J. (ORAL)

Notice of motion has been issued only for consideration of the fact of whether stay would be obtained to effect recovery for an unauthorized absence in the year 1982 through proceedings initiated in the year 2008. The issues governed through the decision in State of Punjab Vs. Rafiq Masih, 2015 AIR (SC) 696 that held that recovery from employees belonging to Class (III) & (IV) from employees cannot be made for a period in excess of 5 years before the order of recovery is issued. Applying the judgment, any recovery from the petitioner in excess of the period of 5 years before the order of recovery is issued shall be taken as invalid and any recovery already affected shall be refunded to the petitioner.

The regular second appeal is allowed and the recovery made is ordered to be refunded within 8 weeks from today with interest @ 6%.

**(K.KANNAN)
JUDGE**

22.12.2015

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