

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

Civil Writ Petition No.16529 of 1992

Date of decision: 13.1.2016

Shashi Bala

... Petitioner

Versus

Punjab Small Industries & Export Corp. Limited

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.D.V.Sharma, Sr.Advocate, with
Ms.Shivani Sharma, Advocate,
for the petitioner.

Mr.Anil Kshetarpal, Sr. Advocate, with
Mr.Piyush Aggarwal, Advocate,
for the respondent.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The only question which subsists down the many years of pendency of this petition is recovery of money as a result of change of date of regularization and its cascading effect on the dates of promotion. The petitioner retired from service on reaching the age of superannuation and is on her second limb of extension in service in terms of the policy floated by Punjab Government in 2012 which gives extension of 2 years, one at a time, after superannuation.

The second limb of her extension will expire on 30.11.2016

when curtains will be finally drawn. As far as recovery is concerned, the same deserves not to be implemented against the petitioner as it will cause financial loss without any fault of her. She did not practice any deceit or fraud to secure the date of regularization which has been altered. In any case, the issue of recovery is covered by a series of judgments of the Supreme Court and this Court starting from **Budh Ram v. State of Haryana and others**, 2009 (3) SCT 333, **Chandi Prasad Uniyal v. State of Uttarakhand**, (2012) 8 SCC 417 and more recently, **State of Punjab v. Rafiq Masih and others**; (2014) 8 SCC 883.

In view of the rule in these cases, the recovery part is quashed.

No other point is pressed at the hearing.

Accordingly, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

January 13, 2016

Paritosh Kumar