

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 09.08.2016****CWP No.3093 of 1998 (O&M)**

Vimla Srivastava

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sanjiv Gupta, Advocate, for the petitioner.

Ms. Shruti Jain Goel, AAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

On the date when selection grade was claimed as benefit due, the petitioner was not qualified for the post. However, she was given the selection grade from the due date later on when disability was cured. Initially, this Court vide interim order dated 04.03.1998 had stayed the operation of the impugned order (Annex P-9), while issuing notice of motion. However, the stay was vacated by the Division Bench on 26.07.1999. In the order, it was noticed that the petitioner had already retired and retiral benefits have not been released to her. A statement was made by the State that the amounts due would be handed over within two months after deducting the amount in dispute. This deduction was, however, made subject to final decision of this petition.

The only dispute presently left is; whether the deduction of an amount of Rs.78,000/- from the pension dues was legal or not. It is not disputed that the amount was paid under mistake of law and for no fault of

petitioner and she practiced no deceit on the Department and the amount has thus to be declared irrecoverable. Accordingly, the said amount would now be refunded to the petitioner within three months from the date of receipt of certified copy of this order.

For the remaining, the petition is dismissed.

[RAJIV NARAIN RAINA]
JUDGE

09.08.2016
Vimal

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*