

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10494 of 2014 (O&M)

Date of decision: 15.11.2016

Mohinder Singh and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.S.S.Grewal, Advocate for the petitioners
Mr.Rajat Bansal, AAG Punjab

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Petitioner No.1 retired as Senior Assistant from Department of Printing and Stationery, Punjab on 31.7.2002 and petitioner No.2 retired as Senior Assistant from the same department on 30.4.2003. Now impugned orders Annexure P4 to P6 dated 25.2.2014 and Annexure P7 to P9 dated 2.4.2014 have been passed, vide which, recoveries of Rs.71000/- and Rs.89000/- sought to be made from petitioner nos.1 and 2 respectively on account of wrong fixation of the pay.

In this case, there is no fault on the part of the petitioners. The re-fixation of the pay was done after 12 years of their retirement. The case of the petitioners is squarely covered by the authority in the case of State of Punjab vs. Rafiq Masih, (2015) 4 SCC 334.

Hence, the impugned orders Annexure P4 to P6 dated 25.2.2014 and Annexure P7 to P9 dated 2.4.2014 so far as, ordering recoveries from

the petitioners are concerned, are hereby quashed. The recoveries already made from the petitioners be refunded to them with interest @ 9% per annum from the date of effecting recoveries till its payment.

The petition stands allowed accordingly.

15.11.2016

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No