

**228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CWP No.17707 of 2015 (O&M)
Date of decision : December 15, 2016**

Mahabir Singh **Petitioner**

Versus
The State of Haryana and another **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.N. Sharma, Advocate for the petitioner.
Mr. Ravi Partap Singh, AAG, Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner seeks quashing of notice of recovery dated 30.06.2015 (Annexure P-4), whereby on account of excess payment of death-cum-retirement gratuity, a sum of Rs.78,993/- is sought to be recovered from the petitioner, who retired from service as Pump Operator on 28.02.2015.

It is not disputed that the petitioner being the Class-IV employee is covered under the authority of Hon'ble the Supreme Court "*State of Punjab and others etc. v Rafiq Masih (White Washer) etc.*", **2015(2)SCC (Civil) 608**. Therefore, erroneous payment made to the petitioner cannot be recovered from him.

Consequently, the present petition is allowed and the recovery already effected from the petitioner be refunded to him within two months from the date of receipt of certified copy of this order, failing which, it will carry 9% per annum interest.

December 15, 2016

sarita

Whether speaking / reasoned

Whether Reportable:

**(KULDIP SINGH)
JUDGE**

Yes

No