

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

CWP No.17709 of 2015

Date of decision: 6.5.2016

Subhash Chand & ors.

... Petitioners

Versus

Punjab Water Resources Management
& Development Corporation Ltd.

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anupam Singla, Advocate,
for the petitioners.

Mr. Amit Singh Sethi, 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)

Reply filed in Court today is taken on record. Copy supplied.

The case relied upon in the index i.e. CWP No.18085 of 2014, *Ram Piari v. Punjab Water Resources Management & Development Corporation Ltd.* has been partly allowed on 21.12.2015. The present petitioners are in the same boat as the petitioners were in *Ram Piari* case before approaching the Court. In the case of the petitioners as well recoveries have been ordered to be effected from their retiral dues due to change of dates of placements in the higher pay scales of Senior Clerks/Junior Assistants and due to shifting of date of promotions by the respondent-Corporation after the petitioners stand retired from service on different dates ranging from July 31, 2011 to July 31, 2014. The law on the subject of recovery of money paid by mistake is covered by the

decision of the Supreme Court in State of Punjab v. Rafiq Masih, (2015) 4 SCC 334. In view of the directives issued by the Supreme Court and the protections afforded to retired employees, no recovery can be effected from employees belonging to Group C service. The petition is therefore allowed. Amounts recovered, if any, will be refunded to the petitioners within six weeks with interest @ 8.7% per annum as per the current rate of interest on long term fixed deposits of customers maintained in nationalized banks.

(RAJIV NARAIN RAINA)
JUDGE

6.5.2016
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