

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 18016 of 2015 (O/M)
Date of decision : 15.9.2016

Tarsem Chand

..... Petitioner (s)

Versus

Punjab Water Resources Management and Development Corporation
Limited

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. A.S. Walia, Advocate, for the petitioner.

Mr. Sunil Sharma, Advocate, for respondent.

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 ?

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KULDIP SINGH J. (ORAL)

The petitioner had retired from service of the respondent as SDE on 30.11.2012. During his service, his pay was re-fixed after grant of proficiency step of pay on completion of 24 years of service in the year 2001 with effect from 2000. Now, after retirement of the petitioner, the order dated 26.2.2013 (Annexure-P-3) has been passed, vide which the proficiency step of pay granted on completion of 24 years of service has been withdrawn and the salary was accordingly re-fixed and recovery of Rs. 1,12,491/- was made from the petitioner. A sum of Rs. 28,418/- was recovered from the arrears of the salary and a sum of Rs. 84,073/- was recovered from the leave encashment due to the petitioner. The petitioner has accordingly challenged these orders of re-fixation (Annexures-P-3, P-4 and P-6).

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After hearing both the parties, I am of the view that in view of the authority of the Apex Court in State of Punjab Versus Rafiq Masih (White Washer) etc., 2015 (1) RSJ 177, if the salary is wrongly fixed and later the same is re-fixed after the retirement of an employee, the recovery could not be effected by the department. Therefore, applying the ratio of authority of the Apex Court in Rafiq Masih's case (supra), the orders of recoveries from the petitioner after re-fixation of pay are quashed. The recoveries already effected from the petitioner is ordered to be refunded to him with interest at the rate of 9% per annum from the date of recovery till payment.

The present writ petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

15.9.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No