

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

CWP No. 1978 of 2016

Date of Decision: 16.12.2016

GURDEV SINGH

... Petitioner

V/s.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S.S. Siao, Advocate,
for the petitioner.

Mr. Nikhil Chopra, Addl. A.G., Punjab.

KULDIP SINGH, J. (Oral)

The petitioner has preferred the present writ petition under Articles 226/227 of the Constitution of India for issuance of writ of certiorari quashing the impugned letters/orders dated 12.03.2014, 22.04.2014, 31.10.2013 and 05.02.2014 (*Annexures P-1 to P-4 respectively*) whereby ₹1,82,036/- has been recovered from DCRG (Death-cum-Retirement Gratuity) of the petitioner on account of excess payment in salary being wrong and illegal.

Brief facts of this case are that the petitioner retired from services as a Class IV employee on 31.07.2013 from office of respondent No. 4. It is claimed that after the retirement vide letters/orders dated 12.03.2014, 22.04.2014, 31.10.2013 and 05.02.2014 (*Annexures P-1 to P-4 respectively*) recovery of ₹1,82,036/- has been effected from the Death-cum-Retirement Gratuity (DCRG) on account of excess payment of salary.

CWP No. 1978 of 2016

After hearing both the parties, it comes out that it is not disputed that even if excess amount of payment is wrongly been made the petitioner is not liable for the same as there is no fault on his part. The present case of the petitioner is squarely covered by the authority of the Apex Court i.e. State of Punjab and others Vs. Rafiq Masih (White Washer) Etc. in CA No. 11527 of 2014 (arising out of SLP (C) No. 11684 of 2012).

It being so, the said recovery letters/orders dated 12.03.2014, 22.04.2014, 31.10.2013 and 05.02.2014 (*Annexure P-1, P-2, P-3 and P-4 respectively*) are hereby quashed. Accordingly, the respondents are directed to refund a sum of ₹1,82, 036/- , deducted from DCRG, to the petitioner within two months failing which the same will be paid with interest at the rate of 9% per annum.

In view of the above the present petition stands allowed.

December 16, 2016

Suresh Kumar

[KULDIP SINGH]
JUDGE

		✓	
Whether speaking / reasoned	:	Yes	/ No
			✓
Whether Reportable	:	Yes	/ No