

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22099 of 2016
Date of Decision:-04.11.2016.

A.C. Nehria

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr.H.P.S. Ghuman, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

The petitioner has presented this writ petition on the presumption that respondents are likely to deduct the excess payment made to him. Payments of recovery in the absence of order the petitioner has rushed to this Court stating that on presumption and assumption that the respondent-Department would initiate recovery proceedings. In this regard, the cause of action accrues to the petitioner as and when necessary action is taken. Therefore, the petition is premature and not maintainable.

Petition stands dismissed reserving liberty to approach this Court as and when respondents proceed to recover or deduct excess payment from the petitioner.

In the last occasion, it was observed by this Court that the case of **State of Punjab and others Vs. Rafiq Masih 2015 (1) SCT 195** is not applicable is incorrect for the reasons that the petitioner retired on 31.5.2016. Therefore, the observations made in para 12 of the judgment is applicable to retired employees.

**(P.B. BAJANTHRI)
JUDGE**

November 04, 2016.

sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.