

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

**Date of decision: 21/11/2016**

Jaswant Kaur

.....Petitioner

VS

State of Punjab and others

.....Respondents

**CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH**

Present:- Mr.Manish Prabhaker, Advocate for the petitioner.

**Jaswant Singh, J(Oral)**

Petitioner stands retired as Multi-purpose Health Supervisor (Female) from the Department of Health and Family Welfare, Punjab on reaching the age of superannuation on 31.10.2008.

By filing present writ petition a writ of mandamus is prayed for directing the respondents to grant the benefit of third proficiency step up increment available on completion of 24 years of regular service w.e.f. 1.4.2001 and consequent revision of pension.

Counsel for the petitioner heard.

It is not in dispute that the claimed benefit was actually granted to the petitioner w.e.f. 1.4.2001, however, vide orders dated 24.11.2008 and 19.12.2008, recovery for an amount of Rs.50,886/- was effected on account of withdrawal of the benefit of aforesaid proficiency step up granted earlier to her w.e.f. 2001. Said order was challenged by the petitioner by filing CWP 15948/2009 and vide decision dated 2.3.2010(P-5) withdrawal of the consequent revision of the pay and retiral benefits were upheld while setting aside the action of recovery of excess amount paid. Thus, the issue having

already been decided against the petitioner vide decision dated 2.3.2010(P-5) the present petition is not maintainable on account of principle of *res judicata*. That apart, the petition also is barred by law of limitation.

In view of the above, present petition is dismissed with costs of Rs.10,000/- (Rupees ten thousand only) to be deposited with District Legal Service Authority,Amritsar within two months from today, failing which the Member Secretary, District Legal Service Authority,Amritsar would be free to seek deduction of the same from the pension of the petitioner.

Dismissed.

21.11.2016  
joshi

(Jaswant Singh)  
Judge

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|-------------------------------|--------|
| Whether speaking/<br>reasoned | Yes/No |
| Whether Reportable:           | Yes/No |