

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24719 of 2015 (O/M)
Date of decision : 15.9.2016

Mohinder Singh Petitioner (s)

Versus

Divisional Engineer and another Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Deepak Aggarwal, Advocate, for the petitioner.

Mr. A.S. Bedi, Advocate, for respondents.

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 retired from service as Zildar from the office of respondent No. 2 on 30.11.2010. Vide impugned order dated 20.12.2012 (Annexure-P-1), while releasing the payment of leave encashment, a sum of Rs. 40,174/- was recovered being the excess payment.

I have heard the learned counsels for the parties and have also carefully gone through the file.

In view of the authority of the Apex Court in State of Punjab Versus Rafiq Masih (White Washer) etc., 2015 (1) RSJ 177, the excess payment made to the petitioner could not be recovered after the retirement. The case of the petitioner is squarely covered by the said authority. Accordingly, the impugned order dated 20.12.2012 (Annexure-P-1) is quashed. The respondents are directed to refund an amount of Rs. 40,174/- to the petitioner with interest at the rate of 9% per annum from the date of recovery till the payment.

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The present writ petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

15.9.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No