

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

**CWP No.3912 of 2014 (O&M)
Date of Decision: 21.10.2016**

Harbinder Singh

.... Petitioner

vs.

Punjab State Power Corporation Limited and Others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr.Pankaj Sharma, Advocate for the petitioner
Mr. G.S. Ghuman, Advocate for
Mr. H.S. Ghuman, Advocate for the respondents

Kuldip Singh J.(Oral)

Impugned in the present petition is the order dated 27.5.2013 Annexure P-6 (colly), vide which, the pay of the petitioner has been refixed after his retirement on 31.12.2012 and recovery is sought to be effected.

The short prayer of the petitioner is that recovery cannot be effected after the retirement of the petitioner in view of the settled law of the Hon'ble Supreme Court in the case titled as State of Punjab vs. Rafiq Masih, 2015 (4) SCC 334.

In view of the settled position of law which is not disputed by the opposite Counsel, impugned order dated 27.5.2013 Annexure P-6 so far as, it orders recovery from the gratuity of the petitioner, is hereby quashed. Recovery already effected shall be refunded to the petitioner with the interest @ 8% per annum.

The present petition is allowed accordingly.

21.10.2016
gk

(Kuldip Singh)
Judge

Whether speaking / reasoned
Whether reportable

Yes
No