

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4776-2014

Date of decision: 22.07.2016

Vijay Kumar

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.V.K.Sandhir, Advocate for the petitioner
Mr.R.S.Pathania, DAG Punjab
Mr.R.D.Bawa, Advocate for the respondent No.3

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner retired on superannuation w.e.f. 31.1.2007 as a Driver from the Municipal Corporation, Amritsar. He has impugned the show cause notice dated 31.1.2014 (Annexure P2), vide which, recovery of additional increment granted to the petitioner has been ordered to be effected.

After hearing learned counsel for both the parties, it comes out that there was some error in fixation of pay, which was later on corrected. After making correction, the recovery was ordered.

Learned counsel for the petitioner has pressed relief only regarding effecting of recovery.

Learned counsel for the respondents has also not disputed the proposition of law that in view of the authority of the Hon'ble Supreme

Court in the case of *State of Punjab and others vs. Rafiq Masih (White*

Washer) and others, 2015 AIR (SC) 696 even if the pay was wrongly fixed and arrears were wrongly released, after the retirement, recovery cannot be effected.

It being so, the impugned order, so far effecting the recovery of arrears, is hereby quashed.

The petition is accordingly allowed.

22.07.2016
gk

(Kuldip Singh)
Judge