

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 1346 of 2015 (O&M)
Date of decision: 21.4.2016

Haryana Warehousing Corporation

.. Appellant

v.

Kamlesh Jain

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Vishal Garg, Advocate for the appellant.
Mr. R. K. Malik, Senior Advocate with
Mr. Tejpal Dhull, Advocate for the respondent.

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Rajesh Bindal J.

The judgment of the learned Single Judge directing the appellant to refund the amount deducted from the retiral dues of the respondent on account of alleged excess payment of the amount has been impugned in the present intra-court appeal.

It is not in dispute that there was issue raised regarding fixation of pay of the respondent. The issue was gone into by this court in CWP No. 908 of 1988—Ashok Kumar Gupta v. Haryana Warehousing Corporation, whereby re-fixation of pay of the respondent was upheld. However, it was directed that no recovery shall be made on account of payments already made on the basis of revised scales. The judgment attained finality. Despite this fact, recovery was made from the retiral dues of the respondent. It is not in dispute that there was no mis-representation or concealment of fact on the part of the employee. Once this court had already directed that no recovery

of the amount already paid to the respondent was to be made, the action of the appellant making recovery of the amount from retiral dues of the respondent was rightly set aside by the learned Single Judge. There is no error in the order passed. The appeal is, accordingly, dismissed.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

21.4.2016
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