

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

LPA No. 479 of 2015

DATE OF DECISION : 11.01.2016

Sat Parkash

.... APPELLANT

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. R.S. Sangwan, Advocate,
for the appellant.

Mr. Lokesh Sinhal, Addl. A.G., Haryana.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 10.11.2014 passed by the learned Single Judge in writ petition (CWP No. 2996 of 2013) filed by the appellant, whereby the order dated 23.01.2013 (Annexure P-10) was upheld to the extent of withdrawal of the 2nd A.C.P Scale and fixation of pay of the appellant at a lower stage; and the respondents were directed not to effect recovery from the appellant in pursuance of the aforesaid order dated 23.01.2013.

The impugned order was passed on the basis of statement made by learned counsel for the appellant to the effect that the action of the respondent – department in having withdrawn the benefit of 2nd A.C.P Scale be upheld, but recovery of the financial benefits already granted to the

appellant may not be recovered from the appellant.

During the course of arguments, it has not been disputed by learned counsel for the appellant that the 2nd A.C.P Scale was granted to the appellant wrongly and it was validly withdrawn. If that is so, then the learned Single Judge, while relying upon a decision of the Hon'ble Supreme Court in ***Chandi Prasad Uniyal Vs. State of Uttarakhand***, 2012 (8) SCC 417 and the subsequent order passed by the Apex Court on 02.08.2013 in ***State of Punjab and others Vs. Krishan Kumar Bansal and others*** [S.L.P. (Civil) No. 24607 of 2010], has directed the respondents not to effect recovery from the appellant in pursuance of the aforesaid order dated 23.01.2013. However, learned counsel for the appellant submits that on account of withdrawal of the 2nd A.C.P Scale, pension of the appellant has been reduced, therefore, same may also be protected. This contention cannot be accepted, because once the 2nd A.C.P Scale, which admittedly was wrongly granted to the appellant, has been withdrawn, his pension has to be fixed at a lower stage.

In view of the above, we do not find any reason to interfere with the impugned order passed by the learned Single Judge.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

January 11, 2016
ndj

(HARINDER SINGH SIDHU)
JUDGE