

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

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**CWP-12660-2015 (O&M)
Date of decision: 19.04.2017**

Nirmala Devi

....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr.S.P.Chahar, Advocate for the petitioner.

Mr. Sushil Gautam, DAG, Haryana.

P.B. Bajanthri, J. (Oral)

Petitioner has questioned the validity of order dated 10.06.2015 (Annexure P6) by which recovery of excess payment made to the petitioner inadvertently, is ordered to be recovered. Petitioner is a Class IV employee-Sweeper. While implementing the instructions relating to regularization the petitioner has been extended the benefit of regularisation and arrears of pay. While disbursing the arrears of pay petitioner has been paid excess amount. Now the same is sought to be recovered by issuing notice to the petitioner. Perusal of Annexure P6 it is evident that there is no consideration of the petitioner's explanation for recovery of excess amount.

In view of the case titled as ***Rafiq Masih versus State of Punjab*** reported in 2015(4)SCC334 question of recovery from the petitioner

do not arise that the petitioner is holder of Class IV post. Accordingly, order dated 10.06.2015 vide Annexure P6 is set aside.

CWP stands allowed.

19.04.2017
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons	Yes/No
Whether Reportable:	Yes/No