

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CWP-18080-2014
Date of Decision : 27.03.2017

CHANDER MUKHI

.....Petitioner

Versus

STATE OF HARYANA & ORS

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Inderpal Khokhar, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

The petitioner has challenged the action of the respondents in making recovery from her salary.

Counsel for the petitioner has argued that recovery could not have been made from the petitioner in view of the decision of the Supreme Court in State of Punjab and others vs. Rafiq Masih(White Washer) 2015(1) RSJ 177 wherein it was held that unless the employer came to a reasoned conclusion that the petitioner was responsible for over payment the recovery cannot be made from him. In the reply, it has not been denied that the petitioner is a Class-IV employee and that increments were wrongly granted to her without any malfeasance on her part.

In the circumstances, it has to be held that the recovery was illegal. This however would not be the end of the matter. I find that this is the second writ petition filed by petitioner for this relief. On the first occasion this Court had directed the respondents to decide the legal notice dated 7.10.2008. In that legal notice the petitioner had given an example of a

similarly situated employees in whose case the recovery had been quashed. In the legal notice the petitioner had claimed interest also. In the legal notice it was specifically brought out that the basic order dated 22.08.2003 was set aside by this Court in CWP-18601-2006 titled as **Om Parkash and others vs. State of Haryana and others**. However while passing the impugned order the respondents have acted in a most cavalier fashion and needlessly driven this Class-IV employee time and again to the Court.

Resultantly, in view of the facts and circumstance of the case, I deem it appropriate to direct the respondents to refund the recovered amount/s to the petitioner alongwith interest @ 8% per annum from the date/s it was recovered till the date/s of payments. In case the recovered amount is not refunded back within a period of 3 months from the date of receipt of a certified copy of this order, the respondents would be liable to further interest of 1% per annum on the amount/s from the date/s it fell due till the date/s of payment/s. The petitioner is also entitled for costs of Rs. 30,000/- for filing two writ petitions to be paid by the respondents. It is made clear that in case of non-payment of costs within 3 months she would be entitled for interest on costs also @ 9% per annum till the date of payment.

Ordered accordingly. Petition stands allowed and the impugned orders are quashed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

27.03.2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No