

218 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
 CHANDIGARH

CWP No.19002 of 2014 (O&M)
Date of decision : 19th January, 2017

Smt. Raksha Devi

..... Petitioner

Versus

State of Punjab and others.

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Harish Kumar Verma, Advocate,
 for the petitioner.

Ms. Vandana Malhotra, Additional Advocate General, Punjab.

KULDIP SINGH J. (ORAL)

A short controversy in the present case is that the petitioner who was working as JBT teacher was granted proficiency step on completion of 18 years of service in the year 1998. The petitioner attained the age of superannuation on 31.05.2006. From the written statement, it comes out that the case of the petitioner was processed and objection was raised by the office of Accountant General (A & E), Punjab, Chandigarh that said proficiency step up was given from the earlier date. Thereafter, the petitioner gave in writing that whatever recovery is there, be effected from her dues and the remaining amount be released to her. It appears that the recovery was effected from the petitioner in 2006. She did not challenge the said recovery till 2014.

Thereafter, the present petition was filed in the year 2014 stating that the same are illegal in view of the judgments of ***Budh Ram Versus State of Haryana and others, 2009 (3) SCT 333 FB*** on the basis of the judgment of the similarly situated persons in *CWP No.10277 of 2010 titled as Vijay Pal Sachar and others Vs. State of Punjab and others* and

CWP No. 10153 of 2010 titled as **Dev Raj vs. State of Punjab and others**,
decided on 27.05.2010.

In the present case, 18 years proficiency step up was given to the petitioner from the earlier date. The petitioner gave in writing in the year 2006 to the department at the time of retirement that the recovery, if any, be effected from the arrears and her retrial benefit released. First of all, there is a delay of 8 years in challenging the impugned order of recovery and the petition is barred by delay and laches. Further, the recently judgment of the Supreme Court in **High Court of Punjab and Haryana and others Vs. Jagdev Singh CWP No. 3500 of 2006**, decided on 29.07.2016 has held that the judgment of High Court which set aside the action of recovery is unsustainable. As the officer had furnished an undertaking while opting for revised pay scale that any payment found to have been made in excess would be refunded. Therefore, he is bound by the undertaking.

It being so, the petition is dismissed on merits.

(KULDIP SINGH)
JUDGE

19th January, 2017
hemlata

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes / No