

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6268-2015 (O&M)
Date of decision: 30.05.2017

Naresh Kumar

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Ravinder Hooda, Advocate for the petitioner
Mr.Sourav Girdhar, AAG Haryana

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner was working as a Tractor Driver with respondent Forest Department. He retired from service on 30.4.2013. One year and eight months after his retirement, he was served with a notice dated 30.12.2014 (Annexure P1), vide which, he was intimated that his salary has been fixed in excess from the year 1995 to April 2013 and that the excess amount comes to Rs.2,45,242/- and the same was ordered to be deposited in the Government Treasury. Petitioner has impugned the said notice dated 30.12.2014 (Annexure P1).

Respondents in the written statement have asserted the correctness of the order stating that the pay was fixed in excess and the same has now been correctly fixed.

After hearing learned counsel for the parties, I am of the view that the case of the petitioner is squarely covered by the authority of Hon'ble

Supreme Court in the case of State of Punjab vs. Rafiq Masih, 2015(1) SCT 195. Petitioner retired as a Tractor Driver. Therefore, even if his pay was wrongly fixed after retirement, recovery on account of wrong fixation of pay cannot be effected.

Hence, the present writ petition is allowed. Impugned notice dated 30.12.2014 (Annexure P1) is hereby quashed. Recovery, if any, made from the petitioner be refunded to him. If some part of the retiral benefits is withheld on account of said notice, the same be also released to the petitioner with interest @ 9% per annum starting three months from the day it fell due till the actual payment.

30.05.2017

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No