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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 9156 of 2016 (O/M)
Date of decision : 19.5.2017

Sat Parkash

..... Petitioner (s)

Versus

Punjab State Power Corporation Ltd. and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Pankaj Sharma, Advocate, for the petitioner.

Mr. Ashu Kaushik, Advocate, for respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The petitioner retired from the service of respondent-Corporation in the year 2013. After his retirement, a sum of Rs. 56,321/- was recovered from his gratuity on account of re-fixation of pay i.e. grant of pay scale on completion of 9, 16 and 23 years of service on account of the fact that the petitioner had foregone his promotion and was debarred for promotion for a period of three years. It is not claimed that the petitioner made mis-representation for fixation of his pay. The pay of the petitioner was re-fixed and he was granted the pay scale at various stages. The petitioner claims the refund of the recovered amount and the same was rejected, vide order dated 11.3.2016 (Annexure-P-3).

I am of the view that the case of the petitioner is squarely covered by the authority of State of Punjab and others etc. Versus Rafiq Masih (White Washer) etc., 2015 AIR (SC) 696, delivered by the Hon'ble

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Supreme Court of India. Therefore, no recovery could be made from the retiral dues of the petitioner after his retirement.

In view of the authority of the Apex Court in Rafiq Masih's case (supra), respondents are ordered to refund Rs. 56,321/-, recovered from the gratuity of the petitioner alongwith interest at the rate of 9% per annum within three months from the date of receipt of certified copy of this order.

In view of the above, the present writ petition is allowed.

(KULDIP SINGH)
JUDGE

19.5.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No