

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25196 OF 2002

ORDER :

This Writ Petition is filed challenging the action of the respondents in recovering an amount of Rs.45,106-70 Ps., from the petitioner's terminal benefits after retirement as arbitrary, illegal and contends that appropriate orders be passed directing the respondent/s to refund the said amounts which have been illegally recovered from him.

2. The learned Counsel appearing for the petitioner, contends that as per the law laid down by the Hon'ble Supreme Court in the case of **State of Punjab v Rafiq Masih**¹, wherein it was held that no amounts can be recovered from the retired employees' and also from Class III and IV employees and contended that appropriate orders be passed directing the respondents to refund the amounts which have been recovered from the terminal benefits of the petitioner.

3. The learned Standing Counsel for the respondents submits that let the petitioner submits a representation to the respondents and the respondents would consider the same and pass appropriate orders.

4. This Court is of the considered view that this Writ Petition can be disposed of directing the petitioner to submit a fresh representation to the respondents seeking refund of amount which was deducted from the terminal benefits of the petitioner after retirement, within two

¹ 2015 (4) SCC 334

weeks from the date of receipt of a copy of this order and upon such representation being received, the respondents shall pass appropriate orders within a period of four weeks thereafter.

5. With this observation, Writ Petition is disposed of.
6. Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

14th December, 2018

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