

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 7996 OF 2003

ORDER :

When the matter is taken up for hearing, the Counsel for the petitioner submits that the respondents have ordered for recovery of sum of Rs.39,800/-, vide proceedings dated 15.11.2002 i.e., after retirement of the petitioner from service.

2. The Counsel for the petitioner further contended that the employer cannot order for recovery, in view of 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 the amounts paid cannot be recovered from a retired employee.

3. The Standing Counsel for the respondent-Corporation has also not disputed the same.

4. Having considered the submissions made by the parties, this Court is of the considered view that this Writ Petition has to be allowed declaring that the respondents are not entitled to recover the amount from the petitioner after retirement in view of the law laid down by the said judgment.

5. Accordingly, Writ Petition is allowed. No costs.

6. The Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19th November, 2018
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¹ 2015 (4) SCC 334