

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24230 of 2004

ORDER:

When the matter is taken up for hearing, it is noticed that the petitioner is challenging the action of the respondents in trying to recover an amount of Rs.32,400/- from the pensionary benefits of the petitioner after her retirement from service.

The learned counsel for the petitioner submits that the issue raised in the writ petition is squarely covered by the judgment of the Hon'ble Supreme Court in the case of **State of Punjab v. Rafiq Masih¹**, and contends that in view of the law laid down by the Hon'ble Supreme Court, the respondents cannot recover the amount from the pensionary benefits of the petitioner.

This Court, having considered the said submission of the learned counsel for the petitioner is of the considered view that the action of the respondents in recovering the amount after retirement of the petitioner from service is arbitrary, illegal and contrary to the Judgment of the Hon'ble Supreme Court stated supra.

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

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

17th December, 2018

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¹ 2015 (4) SCC 334