

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.19317 OF 2004

ORDER:

When the matter is taken up for hearing, learned counsel for the petitioner submits that the petitioner is challenging the orders dated 29.5.2004 issued by the respondents wherein the respondents sought to recover an amount of Rs.70,060/- from the retrial benefits of the petitioner and contends that this Court was pleased to grant interim suspension of the said proceedings and stayed the recovery vide order dated 14.10.2004.

Learned counsel for the petitioner submits that in view of the law laid down by the Hon'ble Supreme Court in the case of *STATE OF PUNJAB vs. RAFIQ MASIH*¹, the respondents cannot recover from a retired employee.

Learned Standing Counsel for the respondents had also not disputed the above judgment.

Therefore, this Court is of the considered view that the impugned orders are liable to be set aside and accordingly, they are set aside by following the judgment rendered by the Hon'ble Supreme Court referred to supra.

Writ Petition is accordingly, allowed.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI ,J

Date: 17.12.2018
KPM

¹ 2015 (4) SCC 334