

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12246 of 1998 (O&M)

Date of Decision: 22.02.2018

Madan Lal Goyal

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Suman Jain, Advocate,
and Mr. Shubham Jain, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

In view of the categorical averments made in para.3 and 4 of the written statement which has not been controverted by filing a replication, the recovery was justified.

In the service book of the petitioner, there was tampering of dates and when the annual increment should have fallen due i.e. on January 22, 1986 and not January 01, 1987. Because of this date, the basic pay took jump from Rs.2200/- to Rs.2275/-. It is this benefit which has been made subject to recovery. The petitioner cannot draw undue benefit over and above his entitlement. Therefore, there is no error in the recovery but the allegation of tampering has not been established as a matter of fact and as attributable to the petitioner. Therefore, as far as recovery of Rs.3578/- is concerned that amount would have to be refunded to the petitioner in view of decision of the Full Bench in Budh Ram v. State of Haryana and others,

2009 (3) SCT 333.

The petition is partly allowed with litigation costs of Rs.5000/-
to be paid to the petitioner.

22.02.2018
manju

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No