

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.226

Civil Writ Petition No.16553 of 2015
DECIDED ON: May 09, 2018

ASHOK KUMAR GUPTA

..PETITIONER

VERSUS

HARYANA WAREHOUSING CORPORATION, BAYS NO.15-18,
SECTOR 2, PANCHKULA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Deepak Sonak, Advocate,
for the petitioner.

Mr. Ashish Yadav, Advocate,
for the respondent.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought an issuance of a writ in the nature of Certiorari to quash the impugned action of the respondents vide which recovery of Rs.95,469/- has been effected from the retiral dues of the petitioner.

2. Concededly, earlier petitioner-Ashok Kumar Gupta as well as other employees preferred CWP No.908 of 1988 captioned as *Ashok Kumar Gupta vs. State Warehousing Corporation* which stood decided on 20.12.2011. The last paragraph of the said order dated 20.12.2011 reads as under:-

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“Both the writ petitions are dismissed in so far as they relate to the refixation of pay but allowed in part to the extent that recoveries for the pay already granted on the basis of the revised scales shall not be recovered.”

3. A glance at the aforesaid paragraph transpires that respondents were restrained from effecting the recovery of the amount already paid to the petitioners on the basis of revised pay scales. But in gross violation of the aforesaid order dated 20.12.2011, respondents effected the recovery of the said amount from retiral dues of the petitioner to the tune of Rs.95,469/- which is otherwise evident from the document (P-4). Such an action on the part of the respondents is depreciable.

4. Thus, aforesaid amount can be termed to have been illegally or unlawfully recovered by the respondents, to which, petitioner deserves refund. Otherwise also, petitioner could not utilize the amount of Rs.95,469/- from the date of its deduction, for that reason, he also deserves to be compensated by way grant of interest.

5. Accordingly, instant petition is allowed and a direction is issued to the respondent(s) to refund the amount of Rs.95,469/- that too, along with interest @ 9% from the date of effecting the recovery till actual payment/refund, within a period of two months from the date of receipt of a certified copy of this order. In case of non compliance of this order, petitioner shall be at liberty to have recourse to the other remedies available under law as well as to approach this Court.

May 09, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**