

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.220

Civil Writ Petition No.17504 of 2015
DECIDED ON: August 20, 2018

SURINDER KAUR

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Article 226 of the Constitution of India, petitioner has sought issuance of a writ particularly in the nature of Certiorari for quashing the recovery notice/orders issued by the Principal, Government Victoria Girls Senior Secondary School, Patiala – respondent No.4, whereby notice bearing No.1698 dated 10.07.2012 (P-2) ordering recovery of a sum of Rs.91,562 (i.e. Rs.14,000/- recovered from the salary of Jarnail Singh (since deceased) Senior Lab Attendant, husband of the petitioner during the period from June 2012 to September 2014 @ Rs.500/- per month) and another Rs.77,562/- recovered from the Death-cum-Retirement Gratuity admissible to the petitioner on account of certain demise of her husband as depicted in letter

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bearing No.PEN-05/2181435382/2014-15/PE/15/11/800070552 dated 03.02.2015 (P-3) issued by the Accountant General Punjab WITH FURTHER prayer for issuance of a writ in the nature of mandamus directing the respondents to refund the aforesaid amount of Rs.91,562/- along with interest @ 12% per annum from the date of deduction till payment and to release GP Fund accumulations and DLI and other service benefits admissible to the petitioner.

2. At the very outset of the arguments, it has been fairly conceded by learned counsel for the petitioner that amount which was earlier deducted from DCRG of the petitioner has since been refunded to the petitioner in the year 2016. However, no interest from the date of its recovery till the date of refund has been granted by the respondents. It has also emerged during the course of arguments that matter with regard to grant of interest at the time of refund of aforesaid amount was also not considered by the respondents. However, at this juncture, learned State counsel Mr. Navdeep Chhabra, submits that petitioner is not entitled to interest as claimed for by her. Since the amount earlier recovered from the petitioner has been refunded in the light of parameters laid down in judgment *State of Punjab and ors. etc. vs. Rafiq Masih, 2015 AIR (SC) 696; 2015 (1) S.C.T. 195*.

3. This Court has considered the rival submissions made by learned counsel for the parties and the fact that respondents have already made a refund of Rs.91,562/- in view of the law laid down by the Hon'ble Apex Court in *Rafiq Masih's case (supra)*. The petitioner is undoubtedly denied of the proper use of the amount which was earlier withheld/recovered by the respondents, which has subsequently been

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released/refunded to her. Just to compensate the petitioner for non-use of aforesaid amount, she deserves interest @ 9% p.a.

4. Accordingly, instant petition is partly allowed and a direction is issued to the respondents to grant interest @ 9% p.a. from the date of its recovery/withholding of amount till the actual repayment/refund thereof. The needful is expected to be done 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, she shall be at liberty to have recourse to the remedies available under law and/or to approach this Court.

August 20, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**