

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

(267)

CWP-18575-2017

Date of Decision: November 26, 2018

Ranjna Sharma

..Petitioner

Versus

Punjab State Warehousing Corporation

..Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Rattan, Advocate, for the petitioner.

None for the respondent.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present case, the petitioner is challenging the order vide which recovery of Rs.2,79,872.88/- has been ordered. The challenge to the said recovery order, which has been passed on 05.06.2017 (Annexure P-9), is on the ground that as per the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 11527 of 2014 titled as State of Punjab and others Vs. Rafiq Masih etc. decided on 18.12.2014, recovery cannot be ordered from an employee who has already retired. Petitioner has already retired from service on 31.05.2017.

Notice of motion was issued and the order of recovery was stayed by this Court on 21.08.2017. None appears on behalf of the respondent

Learned counsel for the petitioner states that the petitioner will be satisfied at this stage, in case a time bound direction is given to the respondent to decide his legal notice dated 21.07.2017 (Annexure P-12), wherein the petitioner has challenged the recovery which is being ordered from the petitioner and has also further prayed for grant of interest of the delayed payments.

Without expressing any opinion on merits of the case and the claim which is being made by the petitioner herein, the present petition is disposed of with a direction to the respondent to pass a speaking order deciding legal notice dated 21.07.2017 (Annexure P-12). The same be done within a period of three months from the receipt of copy of this order.

It is, however, made clear that this Court expresses no opinion upon the merits of the case and the claim which is being made by the petitioner in the legal notice dated 21.07.2017 (Annexure P-12).

The respondents are directed to keep in mind the judgment of the Hon'ble Supreme Court of India in *State of Punjab and others Vs. Rafiq Masih etc, 2015 (4) SCC 334* according to which, the recoveries cannot be ordered from a retired employee.

November 26, 2018
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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