

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.6523 & 6611 of 2019

COMMON ORDER:

These Writ Petitions are being disposed of by this common order since the issue involved in these two Writ Petitions is one and the same.

2. The petitioners are challenging the action of the respondents in recovering excess payments made towards pay and allowances as mentioned in the impugned proceedings after their retirement as Professors in the University. Admittedly, they retired from service on 01-11-2016 and 28-02-2019, respectively. The petitioners contend that in view of the law laid down by the Supreme Court in **State of Punjab Vs. Rafiq Masih**¹, wherein the Supreme Court made it clear that amounts cannot be recovered from the retired employees, the impugned orders are liable to be set aside. .

3. Learned Standing Counsel appearing for the respondents contended that the excess amounts were erroneously paid to the petitioners and therefore they are entitled to recover the same from the petitioners.

4. This Court, having considered the rival submissions made by both the parties, is of the considered view that the issue raised in these Writ Petitions is squarely covered by the judgment of

¹ (2015) 4 S.C.C. 334

the Supreme Court in **Rafiq Masih** (cited supra) and in view of the said judgment, the impugned orders are liable to be set aside.

5. Accordingly, both the Writ Petitions are allowed and the impugned orders dated 18-03-2019 in W.P.No.6523 of 2019 and dated 16-03-2019 in W.P.No.6611 of 2019 are set aside. No costs.

6. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 28-03-2019
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