

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.8801 OF 2019

ORDER

With the consent of both the counsel, the writ petition is being disposed of at the stage of admission.

This writ petition is filed for the following relief:

“To issue any writ, order or direction particularly one in the nature of writ of Mandamus declaring the proceedings No.1010/UAD/Gaz/2015 dated 14.04.2015 ordering recovery of excess payment of pay and allowances from 27.07.1998 to 31.12.2005 in the scale of Rs.12,000 – 18,300 from 1.1.2006 to 8.5.2007 in the Reader's Scale and from 09.05.2007 to 31.03.2015 in the Professor's scale to UGC RSP, amounting to Rs.1,23,074/- + Rs.2,62,147/-, totaling to Rs.3,85,221/- and all consequential proceedings, as arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India, besides the UGC regulations and by nullifying the same, direct the respondents to refund the amount with held and also restore the pension by adding increments along with the monetary benefits.”

Learned counsel for the petitioner submits that considering identical set of facts and circumstances, in W.P.No.26163 of 2015 dated 23.04.2018, where the respondent – University sought to recover the amount from the petitioner therein after retirement, on the ground of wrong fixation of her pay, this court considering the law laid down by Apex Court in ***STATE OF PUNJAB vs. RAFIQ MASIH***¹, found fault with the action of the respondent – University in passing impugned orders for recovering the amounts, and allowed the writ petition. He submits that similar order may be passed in the present writ petition.

¹ (2015)4 SCC 334

Sri Ch.Jagannatha Rao, learned Standing Counsel for the 1st respondent – University and the learned Government Pleaders for Finance and Higher Education, does not dispute the same.

In view of the order dated 23.04.2018 in W.P.No.26163 of 2015 and for the reasons alike, this writ petition is allowed and the impugned proceeding No.1010/UAD/Gaz/2015 dated 14.04.2015, is set aside.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI,J

DATE:24—04—2019

AVS

