

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24200 of 2005

ORDER :

The petitioner has challenged the order dated 01.08.2005 passed by the respondent – University, whereunder the respondent authorities have recovered an amount of Rs.3,12,930/- from the petitioner and this Hon'ble Court was pleased to grant interim stay of the recoveries vide order dated 11.11.2005.

Learned counsel for the petitioner submits that in view of the law laid down by the Hon'ble Supreme Court in STATE OF PUNJAB & ORS. Vs. RAFIQ MASIHI (WHITE WASHER)¹, wherein it was held that erroneous amounts, if any, paid for more than five years cannot be recovered from the employees, the writ petition is liable to be allowed by setting aside the impugned order dated 01.08.2005, as the respondent authorities have paid the amounts to the petitioner for more than five years.

Having considered the said submission, this Court is of the considered view that since the petitioner has retired from service on medical invalidation during the pendency of the writ petition and in view of the fact that the respondent authorities have paid the benefits to the petitioner for more than five years erroneously, in view of the law laid down by the Apex Court in

¹ (2015) 4 SCC 334

RAFIQ MASIH's case (supra), the respondents are estopped from recovering the said amounts from the petitioner.

With the above observations, this writ petition is allowed.
No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

22.01.2019.
Msr

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