

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

CWP No.3913 of 2006 (O&M)
Date of Decision:21.1.2019

Atam Parkash

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.P.S.Jammu, Advocate for the petitioner

Ms.Shruti Jain Goyal, DAG, Haryana

RAJIV NARAIN RAINA, J. (Oral)

Mr.Jammu, learned counsel for the petitioner has confined his prayer to the recovery part only in a case of over-payment of increment beyond entitlement. The total recovery sought to be effected was in a sum of ₹ 26,045/-. As far as recovery is concerned, the petitioner is protected by the decision of the Supreme Court in State of Punjab and others vs. Rafiq Masih (White Washer) (2015) 4 SCC 334, and therefore, the recovery cannot be sustained as his case against recovery falls within the parameters laid down by the Supreme Court. As far as refixation of pay is concerned, the same will be governed as per rules.

The writ petition is accordingly disposed of.

**(RAJIV NARAIN RAINA)
JUDGE**

**21.1.2019
MFK**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No