

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13735 of 2018
Date of decision: 02.12.2019

Kulwinder Kaur

.... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunny Singla, Advocate
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Mr. Harmanjit Singh Jugait, Advocate
for respondents No.2 and 3.

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the grievance of the petitioner is that the recovery from her pensionary benefits is being done by the respondents after her retirement, which is contrary to the settled principle of law settled by the Hon'ble Supreme Court of India in **State of Punjab & Others vs Rafiq Masih (White Washer) etc (2014) 8 SCC 883.**

Upon notice of motion, respondents No.2 and 3 have filed reply and in the reply it has been stated that only refixation of the salary of the petitioner has been undertaken and no recovery is being done. In support of the averments, order dated 14.08.2019 (Annexure R-2/1) issued by the office of Indian Audit and Accounts Department is attached with the reply, wherein, it has been mentioned that no recovery is to be done from the

petitioner and an order in that regard be treated as cancelled. Relevant paragraph of the reply is as under:-

“That no specific orders/directions have been made to the Pension Sanctioning Authority or District Treasury Officer, Bathinda to make any kind of recovery from the pension of the petitioner as office of answering respondent being under the control of Union of India has no authority to issue directions for recovery of overpayment on account of refixation of pay. Only pensionary benefits of the petitioner have been revised as per recommendations of Pension Sanctioning Authority of the petitioner.

That however, in view of present writ petition and orders dated 03.04.2019 and 08.07.2019, office of answering respondent vide letter No. Sai pen-3/K-30/2008-09/1345-47 dated 14.08.2019 has directed District Treasury Officer Bathinda to take necessary action as per orders dated 03.04.2019 regarding effecting of recovery. The copy of the same is annexed herewith as Annexure R-2/1.”

Learned counsel for the petitioner states that as no recovery is being done by the respondents and petitioner is not challenging the order of refixation of her salary, thus, the present petition has been rendered infructuous and may be disposed off as such.

Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

02.12.2019

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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |