

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-31683-2019

Date of decision: - 01.11.2019

Baljit Singh

....Petitioner

Versus

Punjab State Power Corporation Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Pankaj Sharma, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner argues that after the retirement of the petitioner, keeping in view the objections raised by the Accounts Officer of the respondent-Corporation, the respondents refixed the salary of the petitioner and had found that excess payment amounting to ₹52167/- has been made to him, which is being recovered by giving 10 days notice.

Learned counsel for the petitioner further argues that recovery from a retired employee has been held to be bad by the Hon'ble Supreme Court of India in **State of Punjab and others Vs. Rafiq Masih (White Washer) etc., 2015(1) S.C.T., 195** and the respondents have also issued the instructions dated 09.02.2016 (Annexure P-8) in that regard, but still without adhering to the instructions, which have been issued on the basis of the settled principle of law settled by the Hon'ble Supreme

Court of India in **Rafiq Masih's case (supra)**, the recovery is being ordered against the petitioner.

Counsel for the petitioner states that petitioner has also filed a representation dated 22.10.2019 (Annexure P-7) with the respondents contending that no recovery can be made from a retired employee, but rather than deciding the said representation, the respondents are going ahead to recover the said amount. Counsel for the petitioner further states that petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said representation in accordance with law, keeping in view the instructions dated 09.02.2016 (Annexure P-8), which has been circulated in view of the judgment of the Hon'ble Supreme Court in **Rafiq Masih's case (supra)**, by passing a speaking order.

In view of the request made, without expressing any opinion on the merits of the case or the claim as being made by the petitioner, the respondents are directed to decide the representation dated 22.10.2019 (Annexure P-7) by passing a speaking order within a period of one month from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

November 01, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No