

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

**CWP No.3400 o 2020 (O&M)
Date of decision : February 07, 2020**

Gurnam Singh

..... Petitioner

Versus

Punjab State Power Corporation Ltd. and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Brijesh Nandan, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner states that after the retirement of the petitioner, the pay of the petitioner was refixed and a recovery amounting to ₹93,800/- has been done from the pensionary benefits of the petitioner, which is not permissible, keeping in view the law laid down by Hon'ble the Supreme Court of India in “*State of Punjab Vs. Rafiq Masih(White Washer) & Ors*”, (2014) 8 SCC 883.

The prayer of the petitioner is that as the recovery done from the petitioner is contrary to the settled principle of law, respondents be directed to refund the same forthwith.

Learned counsel for the petitioner states that after recovery was done, the petitioner had served a legal notice dated 07.11.2019 (Annexure P-7), claiming the refund of the same keeping in view the settled principle of law, which has already been brought to the notice of the respondents and the said legal notice is still pending consideration with respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.2 to decide the same by passing an appropriate speaking order in accordance with law.

In view of the request made, without expressing any opinion on the merits of the case or on the claim being made by the petitioner, the respondent No.2 is directed to decide the legal notice dated 07.11.2019 (Annexure P-7), by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next three months.

It is expected that while considering the claim of the petitioner, the respondents will keep in mind the guidelines laid down by Hon'ble the Supreme Court of India with regard to the recovery of the excess amount.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

February 07, 2020

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Whether speaking / reasoned

Yes

Whether Reportable:

No