

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.16128 of 2016 (O&M)
Date of decision : February 05, 2020

Darshan Kumar and others Petitioners

Versus

The State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. O.P. Gabba, Advocate for the petitioners.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present writ petition, the grievance, which is being raised by the petitioners was qua the recovery, which was being effected by the respondents after refixing the pay of the petitioners after their retirement.

While issuing notice of motion, following order was passed by this Court on 22.09.2016:

“The admitted position is that vide orders dated 22.5.2008 and 14.2.2008 (Annexure-P-1 and Annexure-P-8 respectively), the salaries of the petitioners were re-fixed in the years 2007 and 2009. The recoveries were accordingly effected immediately thereafter. The present writ petition was filed in the year 2016. So far as the recoveries are concerned, this writ petition is barred by latches and the said relief is declined. So far as the refixation of pay of the petitioners is concerned, which they claim to be wrong, it is continuous cause of action. Therefore, notice of motion be issued to the respondents only on the point of wrong fixation of salary of the petitioners and accordingly the consequential benefits. Notice of motion.

*On asking of the Court, Mr. R.S. Pathania, Deputy A.G. Punjab, accepts notice on behalf of respondents. The copy of the paperbook be supplied to the learned State counsel during the course of the day.
Reply be filed within four weeks.
List on 24.1.2017.”*

A bare perusal of the above order passed in the writ petition itself shows that the claim of the petitioners qua the recovery was already rejected being time barred and the said order pending before this Court has attained finality.

Notice of motion was issued only with regard to the re-fixation of the salary, which was being contended by the petitioners that the same has not been fixed correctly. Nothing has been pointed out by the learned counsel for the petitioners as to how the fixation, which has been done by the respondents is not correct or contrary to any Rule governing the service.

In the absence of any cogent reason, it cannot be held that the re-fixation of the salary of the petitioners by the respondents is contrary to law or any Rule or Regulation. In the absence of any material placed on record by the petitioners so as to show that re-fixation of salary of the petitioners by the respondents is wrong or incorrect, no relief can be granted.

Keeping in view the above, no ground is made out by the petitioners, which needs interference by this Court.

Writ petition is accordingly dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

February 05, 2020

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Whether speaking / reasoned

Yes Whether Reportable: No