

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CWP-655-2017 (O&M)

Date of Decision: 03.02.2020

Davinder Singh

--Petitioner

Versus

State of Punjab & others

--Respondents

2. CWP-656-2017 (O&M)

Amrik Singh

--Petitioner

Versus

State of Punjab & others

--Respondents

3. CWP-657-2017 (O&M)

Narjit Sharma

--Petitioner

Versus

State of Punjab & others

--Respondents

4. CWP-737-2017 (O&M)

Kulvir Singh

--Petitioner

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.S. Bajaj, Advocate for the petitioners.

Ms. Ambika Bedi, AAG, Punjab.

Mr. A.S. Chadha, Advocate for respondents no.2 to 4.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the aforementioned four writ petitions as common questions of fact and law are involved.

The common thread running through this bunch of four writ petitions is that the petitioners herein are serving on Class-III posts under the respondent-Punjab State Cooperative Milk Producers Federation Ltd. Engagement of the petitioners herein was initially on ad hoc basis followed by letter of regular appointment. Challenge in these petitions is to an order

CWP-655-2017 (O&M) & connected petitions -2-

dated 15.11.2016 passed by the respondent-Federation re-fixing the pay of the petitioners to a lower stage by withdrawing the financial benefit of an annual increment that had been granted during the tenure of their ad hoc engagement. Further challenge is to the consequential recovery sought to be effected from the petitioners vide order dated 30.12.2016. Needless to mention that the recovery is of varying amounts.

It would be apposite to take note that in all the four petitions in hand, at the stage of preliminary hearing, the recovery had been stayed.

Mr. R.S. Bajaj, learned counsel representing the petitioners in all the four petitions makes a statement at the bar that he is confining the scope of these petitions only with regard to the recovery sought to be effected. In other words the challenge to the basic order of re-fixation dated 15.11.2016 has been given up.

Counsel representing the contesting respondent-Federation would clearly concede that the short issue as regards recovery from the petitioners would be covered in terms of order carrying even date passed by this Court in ***CWP-654-2017 (Daljit Singh Vs. State of Punjab and others)***.

In view of the above, these four writ petitions are also partly allowed in term of order dated 3.2.2020 passed by this Court in ***CWP-654-2017 (Daljit Singh Vs. State of Punjab and others)***

The order of re-fixation of pay of the petitioners dated 15.11.2016 is upheld. The orders of recovery issued to the petitioner carrying even date i.e. 30.12.2016 are set aside. Accordingly, it would not be open for the respondent-Federation to recover the financial benefit that had already been released to the petitioners in the light of the dictum laid down by the Hon'ble Supreme Court in ***State of Punjab and others Vs. Rafiq Masih (While Washer) etc., 2015 (1) R.S.J., 177.***

Writ petitions are allowed in the aforesaid terms.

Pending application(s), if any, shall also stand disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

03.02.2020

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No