

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.7855, 15641, 17728, 18822, 22819 and 23642 of 2019, 4783, 6794, 11001, 13817, 14680, 15813, 17552, 17619, 18402, 19228, 19948, 20061, 20223, 20698, 20983 of 2020, 741, 939, 1108, 1167, 1825, 2400 and, 2596 of 2021

COMMON ORDER:

These Writ Petitions are being disposed of by this common order since the issue involved in all these writ petitions is one and the same.

2. The petitioners are challenging the action of the respondents in recovering excess payments made towards pay and allowances as mentioned in the impugned proceedings after their retirement as Professors in the University. Admittedly, the petitioners retired from service. The petitioners contend that in view of the law laid down by the Hon'ble Supreme Court in *State of Punjab Vs. Rafiq Masih*¹, wherein the Supreme Court has made it clear that amounts cannot be recovered from the retired employees, the impugned orders are liable to be set aside.

3. Learned Standing Counsel appearing for the respondents contended that the excess amounts were erroneously paid to the petitioners and therefore, the respondents are entitled to recover the same from the petitioners.

4. This Court, having considered the rival submissions made by both the parties, is of the considered view that the issue raised in all

¹ (2015) 4 SCC 334

these writ petitions is squarely covered by the judgment of the Hon'ble Supreme Court in ***Rafiq Masih*** (cited supra) and in view of the said judgment, the impugned orders are liable to be set aside.

5. Accordingly, all the Writ Petitions are allowed and the impugned orders are set aside. There shall be no order as to costs.

6. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

11th June, 2021

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