

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

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CWP-8225-2019

Date of decision : 06.09.2022

Narinder Kumar

... Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Govinder Singh Brar, Advocate for the petitioner.

Mr. Arun William, AAG, Punjab.

Mr. Sehajbir Singh, Advocate for respondents No.2 to 7.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 23.08.2018 (Annexure P-8) vide which an amount of Rs.99,002/- has been recovered from the retiral benefits of the petitioner.

Learned counsel for the petitioner submits that the petitioner had sought voluntary retirement in the year 2016 and the respondents, while disbursing his retiral dues, had arbitrarily deducted the aforementioned amount. He had not been issued any notice with regard to recovery at any point of time.

Learned counsel for respondents No.2 to 7 has filed written statement in Court which is taken on record. He, while referring to the written statement, submits that an increment had been erroneously given to the petitioner on 05.06.2012 when he was promoted and while calculating his retiral benefits, this had come to light and thus, the recovery had been effected.

Heard.

The petitioner is stated to have joined the respondent/Department as a Lineman in the year 1986. He had later been promoted as a Foreman on 10.05.2012. He had sought voluntary retirement on 31.12.2016 which had been allowed. The respondents while disbursing the retiral benefits have allegedly recovered an amount of Rs.99,002/-. The recovery could not have been effected without issuance of any notice or opportunity of hearing to the petitioner. The alleged increment is stated to have been given to the petitioner in the year 2012 but even till after four years when the petitioner had sought voluntary retirement, there had been no notice to the petitioner in this regard. The petitioner had retired as a Foreman which is stated to be a Class-III post. The case of the petitioner would also be covered by the exceptions laid down by the Supreme Court in the case of ***State of Punjab and others versus Rafiq Masih (White Washer) etc., 2015(4) SCC 334*** wherein it is specified that the recovery from Class-III and IV employees would cause hardship.

Consequently, the petition is allowed and the impugned order (Annexure P-8) is set aside. The respondents shall disburse the amount of Rs.99,002/- to the petitioner within a period of two months from the date of receipt of certified copy of this order.

(ANUPINDER SINGH GREWAL)
JUDGE

September 06, 2022
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No