

In the High Court of Punjab and Haryana at Chandigarh

201

CWP-36679-2018 (O & M)

Date of Decision: July 22, 2022

HARJINDER SINGH

.....PETITIONER

VERSUS

**PUNJAB STATE POWER CORPORATION
LTD AND ANR**

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. D.S. Gurna, Advocate for the petitioner.

Mr. T.V.S.Lehal, Advocate for the respondents.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 25.06.2018 (Annexure P-4) whereby recovery of Rs.1,83,589/- has been ordered to be effected from him.

Learned counsel for the petitioner submits that the petitioner, who was working as a Lower Division Clerk had been granted promotional increments in the year 2004, which were withdrawn by the impugned order on the ground that they have been erroneously granted and recovery was ordered to be effected from him.

Heard.

The petitioner is a Class-III employee and through the impugned order, recovery of the salary, which had been paid to the petitioner for over 14 years with effect from 2004, has been ordered. His case would fall under the exceptions set out by the Supreme Court in **State of Punjab and others versus Rafiq Masih, 2015 AIR (SC) 696** that recovery cannot be effected from a

Class-III employee and for an amount which had been paid for over 05 years prior to the passing of the order.

Consequently, the petition is allowed and impugned order dated 25.06.2018 (Annexure P-4) is set aside.

(ANUPINDER SINGH GREWAL)
JUDGE

July 22, 2022

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No