

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

201

CWP-7307-2021

Date of Decision : 16.08.2023

Gurwinder Singh

..... Petitioner

Versus

Bhakra Beas Management Board and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.H.K.Brinda, Advocate
for the petitioner.

Mr.Anil Kumar Sharma, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking directions to respondents not to reduce his salary and further effect recovery with respect to already paid salary.

2. The petitioner came to be appointed vide letter dated 07.04.2015 as Gauge Reader in the scale of 5200-10680 plus grade pay of Rs.2150/- by the respondent-Bhakra Beas Management Board (BBMB). The respondent-Board is following pay scale and other emoluments granted by PSPCL. The Board during the course of scrutiny of documents found that in the appointment letter of the petitioner, grade pay has been wrongly mentioned as Rs.2150/- whereas it should be Rs.1950/-. On the basis of said opinion, the respondent-Board vide corrigendum dated 14.05.2019 ordered that grade pay of Rs.2150/- be read as Rs.1950/- in the appointment letter issued to the petitioner. The respondent in view of reduction of grade

pay has started recovery of Rs.5,000/- per month from the salary drawn by the petitioner.

3. Mr.H.K.Brinda, learned counsel for the petitioner asserts that respondent in view of judgment of Hon'ble Supreme Court in State of Punjab vs. Rafiq Masih, 2015(4) SCC 334, cannot effect recovery with respect to salary already paid. There was no mistake on the part of the petitioner and case of the petitioner is squarely covered by the judgment of Hon'ble Supreme Court in Rafiq Masih's case (supra). The petitioner does not dispute his salary for the future period considering grade pay Rs.1950/-.

4. On being confronted with afore-cited judgment of Hon'ble Supreme Court, learned counsel for the respondent expressed his inability to distinguish facts of the present case from the said judgment, however, he submits that the petitioner cannot take advantage of mistake of the respondent and from the date of issuance of corrigendum, he cannot claim salary with grade pay Rs.2150/-.

5. In the wake of statements of learned counsel for both the parties and judgment of Hon'ble Supreme Court in Rafiq Masih's case (supra), the respondents are hereby restrained from effecting recovery with respect to salary already paid considering grade pay Rs.2150/-, however, petitioner w.e.f. 14.05.2019 i.e. date of corrigendum shall be entitled to salary with grade pay Rs.1950/-.

6. The petition stands disposed of in the above terms.

(JAGMOHAN BANSAL)
JUDGE

16.08.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No