

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

CWP-9871-2022 (O&M)

Date of decision: 11.01.2023

Subash Chand

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Gupta, Advocate for the petitioner

Mr. Charanpreet Singh, AAG, Punjab

Mr. V.K.Sandhir, Advocate for respondent no.4 and 5

ANIL KSHETARPAL, J (Oral)

The petitioner has retired as a Junior Assistant from the Rural Development and Panchayat Department, Punjab. He prays for issuance of a writ in the nature of Certiorari to quash the recovery notices dated 30.07.2021, 30.09.2021 and 22.11.2021. The respondents are seeking to recover Rs.40,752/- on account of wrong fixation of his salary in the year 2006.

Learned counsel representing the respondents admits that this fact came to the notice of the concerned authority in the year 2009 pursuant to an audit report. However, he submits that at the time the petitioner was the acting Superintendent and therefore, he was incharge of the said Branch.

Be that as it may be. Once the concerned authority came to know of the excess payment on account of wrong revision of pay to the

petitioner, immediate action was required to be taken by the concerned authority. Now, the petitioner has already retired.

In view of the observations made by the larger Bench in **State of Punjab and others vs. Rafiq Masif (White Washer), (2014) 8 SCC 883**, this Court, in the facts of the case, while exercising its extraordinary jurisdiction quashes the impugned notices. If during the pendency of the writ petition, some amount has been recovered pursuant to the aforesaid notices, the same be refunded to the petitioner forthwith.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

11.01.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE