

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

1239

Date of Decision: 29.08.2023

1. CWP-5922-2002 (O&M)

Dr. Sandeep Randhawa

.... Petitioner

Versus

State of Punjab and others

.... Respondents

2. CWP-12478-2002 (O&M)

Dr. Rajiv Singla and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

3. CWP-17291-2002 (O&M)

Dr. Nisha Jain

.... Petitioner

Versus

State of Punjab and others

.... Respondents

4. CWP-3249-2003 (O&M)

Dr. Amrit Kaur and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

5. CWP-18121-2004 (O&M)

Dr. Kiranjot Kaur Bali

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Tribhawan Singla, Advocate
for the petitioner (in CWP-5922-2002).

Mr. Arun Jindal, Advocate with
Mr. Kasish Jindal, Advocate
for the petitioners (in CWP-12478-2002).

None for the petitioner(s) (in CWP-17291-2002,
CWP-3249-2003 and CWP-18121-2004).

Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. By this common order, five writ petitions bearing CWP-5922-2002, CWP-12478-2002, CWP-17291-2002, CWP-3249-2003 and CWP-18121-2004, the details of which have been given in the heading, are being decided.

2. The challenge in the writ petitions is to the order dated 23.05.2001 which was quashed by this Court in CWP-17156-2008, titled 'Dr. Jagmohan Singh and others Vs. State of Punjab and others', decided on 01.07.2009, wherein, it was held as under:-

"In view of the above circumstances, the action of the respondents withdrawing the benefit of additional increments retrospectively is unsustainable in law. The impugned order to the effect it directs the withdrawal of the benefit of additional increments and consequential recovery from the petitioners is liable to be quashed. I order accordingly.

The order of re-fixation having been quashed, the consequential recovery is also quashed. Otherwise also, it is not the case of the respondents that the benefit was conferred upon the petitioners on their misrepresentation or fraud in any manner."

The Letter Patent Appeal No.1818 of 2011 preferred by the

State also stands dismissed, vide order dated 11.01.2012.

Since there was an interim order dated 17.01.2002 passed by this Court in CWP-1130-2002 staying the recovery from the petitioners, the same is made absolute and accordingly, the writ petitions are allowed in the aforesaid terms.

The pending application(s), if any, shall stand(s) disposed of.

29.08.2023
D.Bansal

(SANJEEV PRAKASH SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No