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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22473-2017 (O&M)
Date of Decision:12.10.2023

JATINDERPAL SINGH & OTHERS

.....Petitioners

V/s.**STATE OF PUNJAB AND OTHERS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. R.K. Arora, Advocate
for the petitioners.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioner has preferred this Writ Petition for issuance of a Writ in the nature of *certiorari* for quashing of the impugned action of the respondents in effecting recovery of the amount already paid to the petitioners on account of their alleged wrong pay fixation made in the year 2009 which is in violation of the order passed by this Court in CWP-19488-2011 decided on 16.01.2012 titled as **Avtar Singh and Others** Vs. **State of Punjab and Others**

2. Learned counsel for the petitioners submits that he limits his prayer only to the extent of grant of relief as granted to his colleagues by way of the order passed in the case of **Avtar Singh** (Supra) wherein the recovery on account of revision of pay, was quashed by the Court. So far as the reduction of salary on account of revision, in terms of Rule 11-A, of the Punjab Civil Services (Revised Pay) First Amendment Rules, 2009, making

the old higher pay scale of ₹5000/- – ₹8100/- w.e.f 01.11.2006 instead of 01.01.2006 has resulted in the orders of recovery and reduction of salary.

3. Learned State counsel submits that an undertaking was given by the petitioners and the judgment passed in the case of Avtar Singh (Supra) would have no application in the present case in view of the subsequent judgment of the Hon'ble Supreme Court in the case of State of Punjab versus Jagdev Singh, passed in Civil Appeal No.3500 of 2016 decided on 29.07.2016.

4. I have considered the submissions of counsel for the parties.

5. So far as the undertaking part is concerned, the same is with regard to the fixations of pay, however, in the present case on account of revision in the pay scales, the effective date of application of the revised pay was shifted from 01.01.2006 to 01.11.2006. The petitioners' undertakings, therefore, cannot be with respect to a law/revision of pay made subsequently and the respondents cannot impose such an undertaking on the petitioners. At the same time, the Court notices that in the case of Avtar Singh (Supra), this Court has already set aside the action of making recoveries from the parties who are similarly situated to the petitioner. A different view, therefore, cannot be taken by this Court.

6. In view of the aforesaid discussion, this Writ Petition is allowed to the extent that recovery orders are quashed. Recovery, if any, effected from the petitioners during the pendency of this Writ Petition shall be refunded to the petitioners within four months as was done in the case of Avtar Singh (Supra).

7. All the pending applications in this Writ Petition stand disposed of accordingly.

October 12, 2023

Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>