

CM-16760-CWP-2023 in/and
CWP No. 23086-2021

2023:PHHC:136636

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112+248)

CM-16760-CWP-2023 in/and
CWP No. 23086-2021
Date of Decision : 19.10.2023

Dharam Pal Singh

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jayoti Parshad Sharma, Advocate for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM-16760-CWP-2023

Present application has been filed for placing on record reply
filed on behalf of respondents No. 1 and 2.

Application is allowed and reply filed on behalf of
respondents No. 1 and 2 is taken on record.

CWP No. 23086-2021

Learned counsel for the petitioner submits that in the present
petition, the petitioner is not challenging the withdrawal of the increment
keeping in view the facts and circumstances mentioned in the reply but
the respondents be directed not to recover any amount from the petitioner
as the recovery is not permissible from a retired employee keeping in

view the judgment of Hon'ble Supreme Court of India in *State of Punjab and others Vs. Rafiq Masih (White Washer) etc., 2015(1) S.C.T., 195.*

Learned State counsel submits that from the reply it is clear that only the increment has been withdrawn and the pay of the petitioner has been re-fixed but no recovery will be done from the petitioner.

Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel that no recovery is to be done from the petitioner, the present petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

It may be noticed that in case, any amount has already been recovered, the same be refunded back to the petitioner.

October 19, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No