216

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.28655 of 2019 (O&M)
Date of Decision: 26.05.2023

SUNITA RANI

.....Petitioner

Vs

HARYANA POWER GENERATION CORPORATION LTD. AND OTHERS

.....Respondents

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. J.S. Maanipur, Advocate with
Ms. Harpreet Kaur, Advocate and
Ms. Joypreet Meelu, Advocate
for the petitioner.

Mr. Hitesh Pandit, Advocate
for the respondents.

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RAJ MOHAN SINGH, J.(Oral)

[1]. The petitioner has assailed the reply to the legal notice dated 23.07.2018 vide which the recovery of excess amount was ordered to be made from the petitioner on the premise that in the audit report, the factum of excess payment came to fore after a period of 33 years.

[2]. The petitioner was appointed as Steno Typist in the erstwhile Haryana State Electricity Board on 24.02.1978. Thereafter she was directly selected and appointed as Junior

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Scale Stenographer on 23.05.1985. The petitioner was further promoted to the post of Senior Scale Stenographer on 29.06.2007. She was again promoted as Personal Assistant on 03.02.2014 and ultimately superannuated as Personal Assistant on 31.07.2018 on attaining the age of superannuation.

[3]. After retirement of the petitioner on 31.07.2016, memo dated 23.07.2018 was served upon the petitioner thereby seeking recovery of Rs.2,79,290/- on account of excess payment made in her favour due to wrong fixation of pay in the year 1985.

[4]. After retirement of the petitioner, the petitioner ceases to be the employee of the respondent-Corporation and there was no relationship of employer and employee. Any deduction made after the retirement of the petitioner is hit by ratio of ***State of Punjab and others vs. Rafiq Masih, 2015(4) SCC 344***. The alleged undertaking given by the petitioner at the time of retirement in respect of wrong fixation of pay has no nexus or relation to the alleged wrong fixation of pay in the year 1985. The alleged wrong fixation of pay was never attributed to the petitioner nor the petitioner has played any fraud in getting her pay refixed on higher side in the year 1985.

[5]. This Court is of the considered opinion that the respondents have illegally deducted/recovered an amount of

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Rs.2,79,290/- from the petitioner and the same needs to be repaid to her with interest @ 6% per annum from the date of its accrual till final realization of the same.

[6]. Let the needful in the aforesaid context be done within a period of two months from the date of receipt of certified copy of this order.

[7]. Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

May 26, 2023
Atik

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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