

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-40373 of 2018 (O&M)

Date of decision: 02.02.2023

Gurmukh Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohit K Umar, Advocate, for
Mr. N.P.S.Mann, Advocate,
for the petitioner.

Mr. D.K.Singal, Addl.A.G.,Punjab.

Mr. Vikram Jeet Singh, Advocate
for respondent no.5.

ANIL KSHETARPAL, J(Oral)

1. Reply on behalf of respondent no.5 has been filed in the Court today, which is taken on record.

2. The petitioner prays for the issuance of a writ in the nature of certiorari to quash the order dated 23.08.2017, passed by respondent no.5 by which the recovery of Rs.1,25,935/- on account of difference in pay benefits granted to the petitioner is sought to be recovered.

3. The petitioner was working as a Panchayat Secretary in the department of Rural Development and Panchayat, Punjab. He, on attaining the age of superannuation, retired on 07.06.2017. After he had retired, the petitioner was served with a letter dated 23.08.2017. It is evident that there are no allegations that the petitioner had ever misrepresented. It may be noted here that while issuing the notice of motion on 07.01.2019, recovery from the petitioner was directed to be stayed. As per the reply filed, the

monthly pension of the petitioner is less than Rs.10,000/-.

4. Moreover, in view of the observations made by the Supreme court in State of Punjab and others vs. Rafiq Mahsih (White Washer) (2014) 8 SCC 883, the recovery from the petitioner, who has not only retired as a Panchayat Secretary, is not justified.

5. Keeping in view the aforesaid facts, the writ petition is allowed.

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

February 02, 2023
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(ANIL KSHETARPAL)
JUDGE

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