

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

CWP-35033-2019

Date of decision : 10.02.2023

Gurmail Singh

....Petitioner

Versus

Punjab State Power Corporation and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vinay Puri, Advocate for the petitioner.

Mr. Sahil Sharma, Advocate for the respondents.

PANKAJ JAIN, J. (ORAL)

The present civil writ petition has been filed seeking issuance of direction to quash orders dated 13.03.2019 (Annexure P-2), 15.05.2019 (Annexure P-4) & 05.11.2019 (Annexure P-6), whereby the respondents are recovering salary of the petitioner, already paid to him in an illegal and unlawful manner.

Petitioner is working as Oil Cleaner, which is admittedly a Class IV post. The petitioner worked beyond the age of 58 years from 01.08.2014 till 31.07.2016

By way of impugned orders dated 13.03.2019 (Annexure P-2), 15.05.2019 (Annexure P-4) and 05.11.2019 (Annexure P-6), the respondents are in the process of making recovery of Rs.7,35,989/- alleged to have been paid as salary to the petitioner for the period from 01.08.2014 till 31.07.2016, on the pretext of the extension being in violation of instructions of the Corporation.

Having heard counsel for the respondents and in the considered opinion of this Court, the petitioner admittedly having worked from 01.08.2014 till 31.07.2016 will be entitled for the salary for the said period.

Resultantly, impugned orders dated 13.03.2019 (Annexure P-2), 15.05.2019 (Annexure P-4) and 05.11.2019 (Annexure P-6), cannot be sustained and are hereby ordered to be quashed. Any recovery already made, is ordered to be disbursed back within a period of eight weeks from the date of receipt of certified copy of this order.

10.02.2023
ps-I

(PANKAJ JAIN)
JUDGE

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