

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

Date of Decision : 22-07-2024

.....Petitioner

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Mr. T.P.S. Chawla, Sr. DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the challenge is to the order Annexure P-2 and Annexure P-3, by which, the respondents decided to make the recovery of the amount paid by respondents under the MACT award. The said challenge was raised in the year 1999 vide CWP No.14434 of 1999 and the Division Bench while admitting the case, on 13.10.1999, stayed the recovery to be done from the petitioner.

Learned counsel for the petitioner further submits that the petitioner had retired from service since long and after retirement, no recovery can be made.

Learned State counsel submits that as the recovery of the excess amount which the State has paid now under the MACT claim has already been stayed by the Division Bench and the petitioner has retired since long

and as keeping in view of the judgment of Hon'ble Supreme Court in *State of Punjab and others Vs. Rafiq Masih (White Washer) etc., 2015(1) S.C.T., 195.*, no recovery can be done from the retired employee, the impugned order will not be given effect to.

Learned counsel for the petitioner submits that keeping in view the statement of the learned State counsel, the present petition may kindly be disposed of as having been not pressed any further.

Ordered accordingly.

Pending application, if any, also stand disposed off.

22-07-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO