

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:100779



CWP-8714-2000

Date of Decision: 06.08.2024

KAWAL SINGH

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: None for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents not to reduce the petitioner's salary by withdrawing the benefit of additional increment granted to him with effect from 02.04.1979, and set aside the letters/orders dated 09.08.1999 and 13.05.1999, Annexures P-7 and P-10, respectively.

2. Learned State counsel contends that the petitioner was working on *ad hoc* basis with effect from 21.08.1976, and was regularised in service on 01.01.1980. He was granted additional increment with effect from 02.04.1979 while working on *ad hoc* basis, which was not admissible in terms of Haryana Civil Services (Revised Pay) Rules, 1980, since he was not borne on the cadre by that time.

3. Be that as it may, learned State counsel does not dispute the fact that by now, the petitioner must have superannuated from service and in terms of the law laid down by the Supreme Court in *State of Punjab and others v. Rafiq Masih (White Washer) and others*, (2015) 4 SCC 334, no recovery can be effected from him.

4. In view thereof, without interfering with the impugned letters/orders, dated 09.08.1999 and 13.05.1999, the petition is disposed of directing the respondents not to effect any recovery from the petitioner on that basis.

(TRIBHUVAN DAHIYA)
JUDGE

06.08.2024

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