



CWP-9415-1999

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-9415-1999
Date of Decision: 29.07.2024

Munish Kumari ...Petitioner(s)

Versus

State of Haryana and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Ravi Verma, Advocate for the petitioner
Mr. Rohit Arya, Deputy Advocate General, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 06.11.1998, Annexures P-6 & P-7, whereby the petitioner's pay in the higher pay scale of ₹220-400 has been refixed with effect from 12.12.1973, instead of 09.12.1968, and pursuant thereto it has been ordered to recover the excess amount of payment wrongly given to her from 09.12.1968 to 11.12.1973.

2. The petitioner has already superannuated from service. The only contention raised by learned counsel for the petitioner is that she cannot be blamed for the excess pay given to her on account of grant of higher pay scale with effect from 09.12.1968 on acquiring B.A. qualification. She did not misrepresent any fact to the respondents, nor was any misconduct on her part the reason for withdrawing the benefit. The impugned order itself establishes



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that it is a case of wrong calculation by the respondents themselves, for which the petitioner cannot be penalized by effecting recovery of the amount already paid. Law in this regard is already well settled by the Supreme Court in *State of Punjab and others v. Rafiq Masih (White Washer) and others*, (2015) 4 SCC 334.

3. In view thereof, the petition stands disposed of by upholding the impugned order, however, restraining the respondents from effecting any recovery on that basis.

(TRIBHUVAN DAHIYA)
JUDGE

29.07.2024
Payal

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>