

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

303/9

CWP-10389-2005  
Date of Decision: 23.01.2024

Satya Pal Raghav

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- None for the petitioner

Ms. Tanushree Gupta, DAG, Haryana

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TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 09.11.2004, Annexure P-4, re-fixing the petitioner's pay and ordering recovery from him on that account.

2. Learned State counsel contends that the petitioner was appointed as a Master in the Department. Later, at the time of his promotion as Headmaster, he was working as Lecturer on an ex-cadre post. As per Rules, feeder post for promotion as Headmaster is that of Master. Accordingly, the petitioner's pay was required to be fixed in the time scale applicable to the cadre post of Master, but was inadvertently fixed in the scale of Lecturer, to which the petitioner was not entitled. Accordingly, rectification was made and pay was re-fixed as per the Rules.

3. There is no dispute on the facts, nor has it been established that there was anything wrong in re-fixation of the petitioner’s pay by rectifying the mistake. Therefore, no exception can be taken to the impugned order regarding re-fixation of the petitioner’s pay. However, in terms of law laid laid down by the Supreme Court in *State of Punjab and others v. Rafiq Masih (Whitewasher)*, 2014 (8) SCC 883, the respondents are restrained from effecting recovery pursuant to the re-fixation.
4. Disposed of in the aforesaid terms.

(TRIBHUVAN DAHIYA)  
JUDGE

23.01.2024  
Payal

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