



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

205

CWP-4236-2000(O&M)

Date of Decision: 02.09.2024

AMAR NATH BHATIA

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- None for the petitioner.

Mr. Harish Rathi, Sr. DAG, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed seeking a writ of *certiorari* quashing the order dated 23.06.1999, Annexure P-8, whereby petitioner's pay stands reduced from ₹2675 to ₹2150; and a writ of *mandamus* directing the respondents to fix his pay as per instructions dated 20.06.1988, Annexure P-4, and letters dated 14.05.1991 and 08.02.1994, Annexures P-6 and P-7, respectively.

2. Learned State counsel contends that by way of interim order dated 25.04.2000, while issuing notice of motion, this Court stayed recovery from the petitioner. However, he continued drawing the re-fixed pay in terms of the impugned order during pendency of the petition, and superannuated from service as well. The due retiral benefits have also been released to him on that basis.

3. As per settled law in *State of Punjab and others v Rafiq Masih (White Washer) and others*, 2015(4) SCC 335, recovery of the amount paid to an employee who has retired from service, cannot be effected. Accordingly,

the respondents cannot effect recovery from the petitioner at this stage.



4. In view thereof, the petition stands disposed of.
5. Pending miscellaneous application(s), if any, shall also stand(s) disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

02.09.2024
Ad

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