

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

304

CWP No.12001 of 2006
Date of Decision : 18.1.2024

Mahabir Parshad and others *Petitioners*

versus

The State of Haryana and others *Respondents*

2. CWP No.17363 of 2007 **2024:PHHC:006620**

Motia Rani and others *Petitioners*

versus

State of Haryana and others *Respondents*

3. CWP No.14901 of 2007 **2024:PHHC:006621**

Krishna Devi *Petitioner*

versus

State of Haryana and another *Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ravi Verma, Advocate, for
Mr. Ashwani Verma, Advocate, for the petitioners
(in CWP No.12001 of 2006)

None for the petitioners (in CWPs No.17363 & 14901 of 2007)

Mr. Rohit Arya, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

These petitions have been filed, *inter alia*, impugning the orders whereby the benefit of increments granted to the petitioners on the basis of *ad hoc* service was withdrawn, leading to re-fixation of pay and recovery of the excess payment made.

2. It is not disputed at Bar that the issue raised herein stands settled as per law laid down by the Supreme Court in *State of Haryana v. Haryana Veterinary and A.H.T.S. Association*, (2000) 8 SCC 4, wherein it has been held that the *ad hoc* service prior to regularisation cannot be counted for service benefits including grant of increments. Therefore, no exception can be taken to the impugned orders.

3. It is also not disputed that almost all the petitioners have retired from service, and even otherwise it is settled that the amount of benefit given cannot be recovered from them post retirement in terms of judgment rendered by the Supreme Court in *State of Punjab v. Rafiq Masih*, (2014) 8 SCC 883.

4. In this view, these petitions stand disposed of directing the respondents not to effect recovery from the petitioners pursuant to the impugned orders.

5. Pending miscellaneous application(s), if any, stands disposed of accordingly.

6. Photocopy of this order be placed on the connected case files.

(TRIBHUVAN DAHIYA)
JUDGE

18.1.2024
Ashwani

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