

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

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**2024:PHHC:032885
CWP No. 14273 of 2017
Date of Decision:07.03.2024**

Amar Pal Singh

....Petitioner

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. H.S.Dhindsa, Advocate
for the petitioner

Mr.Pawan Kumar, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to refund a sum of Rs. 1,02,879/- which the respondents have deducted from his retiral dues.
2. The petitioner in the writ petition has made multiple prayers, however, at this stage, he confines his prayer to refund of Rs. 1,02,879/-.
3. The petitioner joined Punjab Police as Assistant Sub Inspector on 07.09.1992. He was time to time promoted and retired on 31.05.2016 as Inspector. On account of dispute of seniority between different members of the force, the seniority list was time to time revised. The seniority of the petitioner was also revised and accordingly his date of promotion was amended. On account of change of date of promotion, pay of the petitioner

was re-fixed. On account of re-fixation of pay, the respondents found that there was excess payment of Rs. 1,02,879/- while the petitioner was in service. The respondents deducted the said amount from the retiral dues of the petitioner.

4. Mr. H.S.Dhindsa, Advocate, submits that case of the petitioner is not only covered by judgment of Supreme Court in '**State of Punjab vs. Rafiq Masih (White Washer) etc.**' 2015 (4) SCC 334 but also by Instruction dated 09.09.2016 (Annexure P-6) issued by Director General of Police, Punjab, Chandigarh.

5. Mr. Pawan Kumar, DAG, Punjab submits that petitioner at the time of retirement had filed an undertaking to the effect that excess payment, if any, of GPF or any other dues may be recovered from him and he would be liable to refund alongwith interest.

6. I have heard counsel for the parties and perused the record with their able assistance.

7. From the perusal of record, it comes out that there was no excess payment on account of mistake or wrong assessment of pay whereas excess payment accrued on account of change of date of seniority and promotion. The petitioner had filed undertaking at the time of retirement to the effect that if any excess payment is made in GPF or any other dues, he would return the same alongwith interest. The said undertaking is not relating to payment which he received while in service. The respondents have issued Instructions dated 09.09.2016 (Annexure P-6) wherein it has been specifically provided that no recovery will be effected from the

concerned official if the official has been assigned revised date of List ‘F’.

The case of the petitioner is covered by said instructions because excess payment has resulted on account of change of his status.

8. In the wake of above discussion and findings, this Court finds that present petition deserves to be allowed and accordingly allowed. The respondents are directed to pay to the petitioner Rs. 1,02,879/- alongwith interest @ 6% per annum, within three months from today.

(JAGMOHAN BANSAL)
JUDGE

07.03.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No