

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

205

LPA-907-2022 (O&M)  
Decided on 23.01.2024

State of Haryana and others ... Appellants

Versus

Vijay Pal and another ... Respondents

CORAM: HON’BLE MS.JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE  
HON’BLE MR.JUSTICE AMAN CHAUDHARY

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Present: Mr. Deepak Balyan, Additional Advocate General, Haryana

Mr. Naveen Daryal, Advocate, for the respondents.

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**AMAN CHAUDHARY, J.**

**CM-2173-LPA-2022 in**

For the reasons stated in the application, delay of 187 days in refiling  
the appeal is hereby condoned, subject to all just exceptions.

Application stands allowed, accordingly.

**Main Appeal**

1. Challenge in the present appeal filed by the State is to the judgment of learned Single Judge whereby, ACP scales granted to the respondents which were withdrawn, had been set aside. The learned Single Judge has while taking into consideration the fact that though respondents had foregone their promotions, yet the ACP was granted to them, which after a lapse of almost eight years was sought to be withdrawn, but this Court had granted interim protection by passing an order dated 14.07.2017. In the meantime, respondent No.1 had retired on 30.08.2020, while the pension papers of respondent No.2 were processed and he has been granted the benefits of 7th pay commission. Hon’ble the Supreme Court in **Sahib Ram vs. State of Haryana**, 1995 Supp (1) SCC 18 had held that

recovery could not be made in a case where there is no allegation of any misrepresentation on part of the employee, who received the benefit. It has been further reiterated in **State of Punjab vs. Rafiq Masih**, (2015) 4 SCC 334, that recoveries of amount paid in excess are impermissible to be effected in cases, including but not limited to the employees, who had retired or more than five years had elapsed from the date the amount was first paid.

2. On an evaluation of the matter, we find that the contingencies as depicted in the aforesaid judgments arise in the present case as well, thus there is no flaw found in the impugned judgment, requiring us to intervene. Sequelly, the present appeal is hereby dismissed.

3. Pending applications, if any, shall be rendered as disposed of.

(RITU BAHRI)  
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)  
JUDGE

23.01.2024  
ashok/gsv

Whether speaking / reasoned: YES / NO

Whether Reportable: YES / NO