

**CWP-25445-2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(116)****CWP-25445-2024****Date of Decision : October 04, 2024****Manpreet Kaur****.. Petitioner****Versus****State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sunil K. Bansal, Advocate, for the petitioner.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that vide order dated 20.09.2024 (Annexure P-8), after the death of the husband of the petitioner namely Mewa Singh, his salary has been re-fixed retrospectively from 01.01.2016 by reducing his salary and recovery of Rs.14,19,771/- has been imposed upon her with the condition that consent be given otherwise payment will be deducted from the unutilized earned leave.

2. Learned counsel for the petitioner submits that in the present case, the pay of a dead employee has been reduced retrospectively by the respondents which is not permissible as after the death, there is no master and servant relationship between the employer and employee and no order causing prejudice to a dead employee can be passed by the respondents much less the recovery on the basis of such re-fixation after the death of an employee.

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3. Notice of motion.

4. Mr. Satnam Preet Singh, learned Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondents.

5. Learned counsel for the respondents, keeping in view the instructions received from the Director Agriculture, Punjab, who is present in the Court, submits that the order dated 20.09.2024 (Annexure P-8) be treated as withdrawn with liberty to re-consider whether an order re-fixing the salary of a dead employee can be passed so as to make recovery from the legal heirs and while considering the said claim, the settled principle of law on the said issue will be kept in mind.

6. Learned counsel for the petitioner submits that as the impugned order dated 20.09.2024 (Annexure P-8) has been withdrawn, the present writ petition may kindly be disposed of having been not pressed any further.

7. Ordered accordingly.

October 04, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No