



CWP-29771-2022 (O&M) & connected cases

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204+203+254

CWP-29771-2022 (O&M)
Date of Decision: 20.05.2024

Poonam Rani and another

...Petitioners

Versus

Union of India and another

...Respondents

With

CWP-24902-2022 (O&M)

Rakesh Kumar and another

...Petitioners

Versus

Union of India and others

...Respondents

With

CWP-700-2023 (O&M)

Ramesh Kumar and another

...Petitioners

Versus

Union of India and another

...Respondents

And

CWP-28666-2022 (O&M)

Sachin Jain and another

...Petitioners

Versus

Union of India and another

...Respondents



CWP-29771-2022 (O&M) & connected cases

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CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sumit Sangwan, Advocate for the petitioners
(in CWP-29771-2022 & CWP-28666-2022)

Mr. Inderjeet Sharma, Advocate for the petitioners
(in CWP-24902-2022 & CWP-700-2023)

Mr. Anil Chawla, Senior Panel Counsel,
for Union of India-respondent No.1
(in CWP-29771 of 2021 and CWP-28666-2022)

Mr. Himanshu Malik, Senior Panel Counsel,
for Union of India-respondents
(in CWP-24902-2022 & CWP-700-2023)

Mr. Shireesh Gupta, Advocate for respondent-IISER

JAGMOHAN BANSAL, J. (Oral)

1. As the issue involved is common, all the captioned petitions are taken up for adjudication together. For the sake of convenience, facts are borrowed from *CWP No.29771 of 2022*.
2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are assailing recovery of past payments made by respondent in view of upgradation/promotions granted to them.
3. Mr. Shireesh Gupta, Advocate submits that financial upgradations were granted to petitioners subject to the undertaking and as per judgment of Supreme Court in ***High Court of Punjab and Haryana and others v. Jagdev Singh, (2016) 14 SCC 267***, in case of undertaking the employer has right to recover excess payments.
4. On being confronted with the decision of Board of Governors in the meeting held on 29.12.2023, which stands duly approved by Government



of India, Mr. Shireesh Gupta, Advocate expressed his inability to controvert the fact that petitioners have been granted notional financial upgradation from the date of appointment. He concedes that petitioners during the period of recovery were entitled to financial upgradation.

5. In view of statement of learned counsel for respondent-ISSER, the judgment of Supreme Court in *Jagdev Singh (supra)* is not applicable to the cases in hand and respondent has no right to recover already paid financial benefits. Thus, respondents shall not make recovery with respect to salary already paid.

6. It is made clear that petitioners would be entitled to designation as per aforesaid decision dated 29.12.2023 of Board of Governors which has been duly approved by Government of India.

7. Disposed of in above terms.

8. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

20.05.2024
Mohit Kumar

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