



CM-17979-CWP-2024 in/and
CWP-28098-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108+289)

CM-17979-CWP-2024 in/and
CWP-28098-2023

Date of Decision : November 05, 2024

Harjit Singh and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shreesh Kakkar, Advocate, for
Mr. Kapil Kakkar, Advocate, for the petitioners.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

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As prayed for, the application is allowed.

Reply filed on behalf of respondents No. 1 and 2 is taken on
record.

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1. In the present writ petition, the grievance being raised by the
petitioners is that after re-fixing their salary, the recovery is being done,
which is not permissible keeping in view the judgment of the Hon'ble
Supreme Court of India in *State of Punjab and others Vs. Rafiq Masih*
(White Washer) etc., 2015(1) S.C.T., 195.

2. Learned counsel for the respondents, on the other hand, submits
that the petitioners have given an undertaking not once but more than once
that in case any excess payment has been made to them, the same can be
recovered hence, the claim of the petitioners is covered by the judgment of



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Hon'ble Supreme Court of India in *Civil Appeal No. 3500 of 2006 titled as High Court of Punjab & Haryana and others Vs. Jagdev Singh, decided on 29.07.2016*, which has been passed keeping in view the undertaking given by an employee after considering the judgment in *Rafiq Masih's case (supra)*.

3. Faced with this situation, learned counsel for the petitioners submits that the petitioners intend to approach the respondents by filing appropriate representation with regard to the refixation of their salary and the respondents be directed to decide the said representation by passing an appropriate speaking order in a time bound manner.

4. Learned counsel for the respondents submits that in case any representation/claim is received at the hands of the petitioners, the same will be decided by the competent authority within a period of eight weeks of the receipt of any such claim/representation by passing an appropriate speaking order and in case, after the decision any relief is to be extended to the petitioners, the same will be extended, otherwise due reasons will be mentioned in the speaking order to be passed for not accepting the claim of the petitioners for their information and necessary action.

5. Learned counsel for the petitioners submits that keeping in view the statement of learned counsel for the respondents, the present writ petition may kindly be disposed of having been not pressed any further.

6. Ordered accordingly.

November 05, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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