



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

CWP-12250-1999 (O&M)

Date of decision: 08.05.2025

Bhupinder Bala

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Ashwani Talwar, Advocate;
Mr. Nikhil Sehrawat, Advocate;
Mr. Deepak Goyat, Advocate for the petitioner(s).

Ms. Tanisha Peshawaria, DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

CM-14781-2000

Application is allowed as prayed for subject to all just exceptions. Replication is taken on record.

Registry is directed to tag the same at an appropriate place with its paging.

Main case:

The instant petition has been filed for seeking setting aside of order dated 15.07.1999 whereby the pay of the petitioner as on 01.01.1996 had been reduced from Rs.5300/- per month to Rs. 5200/- per month and recovery of Rs.9258/- had also been ordered to be effected from the petitioner.

Learned counsel for the petitioner confines his prayer only to the extent of the recoveries being ordered to be effected and contends that



the said action on the part of the respondents would be untenable in view of the judgment passed in the matter of '*State of Punjab and others Vs. Rafiq Masih (White Washer)*' reported as *AIR 2015 Supreme Court 696*. He contends that there was no concealment of any fact or information by the petitioner or any foul play. The payment had been made by the respondents on their own while carrying out a revision which at a later point in time is stated to be as incorrect as the A.C.P. had been allegedly granted without the petitioner having completed 20 years of mandatory service.

Learned State counsel is not in a position to dispute the applicability of the judgment passed in the matter of *Rafiq Masih* (supra) to the facts of the present case.

The instant writ petition is accordingly **partly allowed**. The respondents are restrained from effecting the recovery of the sum of Rs.9258/- as ordered on 15.07.1999 and the interim order passed by this Court dated 31.08.1999 staying the recovery is made absolute.

(VINOD S. BHARDWAJ)
JUDGE

08.05.2025

Mangal Singh

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