



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

1147

CWP-16319-2008 (O&M)
Date of decision: 19.05.2025

Santosh Kumari Mittal

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- None for the petitioner.

Ms. Shruti, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the order dated 09.05.2006, whereby the pay of the petitioner was refixed by reducing the protected pay to the lower pay scale of initial starting pay of Excise Inspector.
2. As per the order dated 10.12.2008, this case was to be heard alongwith CWP-1378-2008, which was withdrawn vide order dated 10.02.2012 in view of the subsequent events having taken place. In the index of the petition, reference was also made to the pendency of CWP-13053 and 10963-2007, which were both disposed of in terms of the decision dated 30.04.2008 of CWP-12630-2007 titled as **Sohan Lal and others vs. State of Punjab and others**, relevant paras whereof read thus:-

“Following the dicta in Sahib Ram's case (supra) and various other judgments of the Apex Court, a Division Bench of this Court in Swaran Singh ASI v. State of Punjab & Ors. (CWP No.1085 of 2004), decided on January 22, 2004, held as follows:-

" "Learned Counsel for the Respondents very fairly states that he is not in an effective position to rebut the claim of the petitioner on the issue of recovery in view of the fact that the upward revision of pay of the petitioner so as to bring it to the same level of pay drawn by his junior ASI Baldev Singh 773/W was not based on any



misrepresentation by the petitioner but was based on wrongfully/mistakenly giving him the benefit of the policy instructions, referred to hereinabove.

In view of the conclusions drawn above, the challenge of the petitioner to the impugned order dated 8.4.2002 in so far as fixation of his pay at the same level as that of his junior Baldev Singh is declined. However, the respondents are restrained from effecting recovery of excess payments made to the petitioner. In case any recovery has been made in excess, the same shall be refunded to the petitioner within one month from today."

A somewhat similar view was taken by another Division Bench of this Court in the case of Kashmir Singh, SI v. State of Punjab & Ors. (CWP No.3108 of 2004), decided on October 5, 2004.

In view of the settled law, I am of the considered view that no recovery can be permitted to be effected from the petitioners.

This petition is accordingly partly allowed and the impugned orders Annexures P-7 to P-20, so far as they seek to effect recovery from the petitioners, are hereby quashed. However, no interference is being made to the extent of re-fixation of the pay of the petitioners.

It is directed that if any amount has already been recovered from the petitioners pursuant to the impugned orders, the same shall be refunded to them within a period of three months from the date of receipt of a certified copy of this order.

As an abundant precaution, it is clarified that wherever the pension or other retiral benefits have been withheld by the respondents in order to adjust the recoverable amount, the same shall also be released forthwith but not later than two months from the date of receipt of a certified copy of this order.

No order as to costs."

3. Learned State counsel despite best efforts has been unable to dispute regards factual position and resist the disposal of the petition in view of the aforesaid.

4. The present petition is disposed of in terms of **Sohal Lal** (supra).

(AMAN CHAUDHARY)
JUDGE

19.05.2025

Hemant

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