

2025:PHHC:127808



205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19997-2008
DECIDED ON: 16.09.2025

O.P. ARORA

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENTS

CWP-12688-2008 (O&M)

TARLOKI NATH AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENTS

CWP-15841-2007

PARDEEP KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENTS

CWP-3937-2007

OM DUTT AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENTS

CWP-4874-2009 (O&M)

MAMAN SINGH KAUSHIK

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Virender Kumar, Advocate
for the petitioner(s) in CWP-19997-2008 and CWP-4874-2009.

Mr. Sanjay Verma, Mr. Arvind Kumar,
Ms. Yogita Verma, Advocates
for the petitioner(s) in CWP-15841-2007 and CWP-3937-2008.

None for the petitioner(s) in CWP-12688-2008

SANDEEP MOUDGIL, J (ORAL)

Vide this common order, this Court intends to disposed off the above-said writ petitions as common question of law and facts are involved therein.

For the sake of convenience, the facts are being taken from CWP-15841-2007.

The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India for the issuance of a writ especially in the nature of Certiorari for quashing the impugned order dated 09.04.2007 (Annexure P-7) whereby the benefit of additional increment on account of referring 8/18 years of service after calculating ad hoc service towards the grant of said benefit has been ordered to be re-fixed and recovery to the amount given to the employees/petitioner(s) after 15.02.2002 was proposed therein.

This Court issued notice of motion vide order dated 11.10.2007 in CWP-15841-2007 and, vide orders passed on the said date when the writ petition came up for hearing, directed that the recovery be stayed. A written statement

dated 07.04.2008 was filed by the Assistant Director (Admn. II), Department of Industrial Training and Vocational Education, Haryana, on behalf of respondents No. 1 to 3. Learned State counsel has referred to paragraph 2 of the said written statement, which reads as under: —

“That it is worthwhile to mention here that Govt. instructions dated 15.3.2002 (P-4) were issued by the State Govt. after the judgment of Hon'ble Apex Court in the case of State of Haryana and others Vs. Haryana Veterinary and A.H.T.S. Association and others. The Hon'ble Apex Court while deciding writ petition no. 11555 of 2003 held that In State of Punjab Versus Gurdeep Kumar Uppal (supra), the Supreme Court relied upon the judgment of Hon'ble Apex Court State of Haryana Versus Haryana Veterinary & A.H.T.S. Asson. & Anr. (supra) case. All the above mentioned facts were considered by this Hon'ble Court while disposing of a bunch of writ petition in main CWP No. 15555 of 2003-Sheela Devi and others Versus State. That so far as recovery of overpayment is concerned, it is submitted that it has been clarified vide Govt. instructions dated 15.5.2003 (P-5) that no recovery of over-payment will be made w.e.f. 14.3.2002, the day preceding the issuance of instructions dated 15.3.2002 is to be made. Meaning thereby that Govt. has already decided that pay of all such employees will be re-fixed notionally from the date of grant of benefit upto 14.3.2002 and actually from 15.3.2002.”

Upon perusal of the record, it is evident that the benefit was erroneously extended to the petitioner(s), which was subsequently rectified in light of the clarificatory instructions issued by the Government dated 15.03.2002 and 23.04.2003. These instructions were also challenged in Civil Writ Petition No. 15555 of 2003, which came to be dismissed on 20.04.2004. A copy of the said judgment is available on record as Annexure R-1.

Mr. Rahul Dev Singh, learned Additional Advocate General, Haryana, has submitted on record that no recovery of the excess amount shall be effected from the petitioner(s) for the period up to 14.03.2002.

Learned counsel for the petitioner(s), being satisfied with the stand taken by the State in the written statement as well as the submissions made during the course of hearing, does not wish to press the present writ petition(s) any further.

Accordingly, the writ petition(s) stand disposed of as not pressed.

Pending application(s), if any shall disposed off.

16.09.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No