



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

833

CWP-5717-2005 (O&M)
Date of decision: 29.04.2025

Amar Chand

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Ajay Kumar Chaudhary, Advocate for
Mr. Harinder Sharma, Advocate
for the petitioner.

Mr. Arun Gupta, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the order dated 23.12.2003, Annexure P-4 and directing to protect the pay of the petitioner.
2. The Division Bench vide order dated 07.04.2005, while issuing notice of motion, had stayed the recovery and ordered the present petition to be listed alongwith CWP-19181-2004 titled as **Subhash Chander Syal vs. State of Punjab and others**, which was allowed in part on 05.04.2010, the relevant paras whereof read thus:-

“3. During the course of hearing, learned counsel for the petitioners have restricted their challenge qua 'recovery' only and submits that the matter may be disposed of in terms of the order dated 02.03.2010 passed in CWP No.697 of 2010 titled as Kaur Chand vs. State of Punjab and others, which was decided in the light of the parameters laid down by a Full Bench of this Court in Budh Ram & Others vs. State of Haryana & Others, 2009(3) PLR 511 and the operative part whereof reads as under:-

"Following the dictum in Budh Ram's case (supra), the writ petition is allowed in part; the action of the respondents in ordering recovery of the excess payments received by the petitioner as a result of Stepping-up of his pay or grant of ACP is hereby quashed. However, the impugned order(s) to the extent of re-fixation of his pay and consequential re-determination of the retiral benefits are upheld. The recovery, if any, already made from the



petitioner shall be refunded to him within a period of four months from the date of receipt of certified copy of this order."

4. The writ petition is, accordingly, allowed in part in the above-reproduced terms."

3. Learned counsel for the petitioner prays for disposal of the petition in terms of the aforesaid judgment, which learned State counsel despite best efforts, was unable to resist by distinguishing the same or citing any contrary law.

4. The present petition is disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

29.04.2025
Hemant

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