



224 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-20065-2021 (O&M)

Date of Decision : 18-08-2025

BRIJ MOHAN AND ORS.

.....Petitioner(s)

VERSUS

BHARAT SANCHAR NIGAM LTD. AND ORS

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Arvinder Singh, Advocate
for the petitioners.

Mr. Sanjeev Kaushik, Advocate with
Ms. Simran Sharma, Advocate and
Mr. Divyanshu Kaushik, Advocate
For respondents No.1, 3 and 5-BSNL.

Mr. Sunil Kumar Sharma, Senior Panel Counsel
For respondent No.2-UOI.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the orders Annexure A-2(i) to Annexure A-2(xiv) in Original Application (hereinafter referred as "OA") passed by the respondents No.1, 3 and 5-BSNL with regard to the recovery being done from the petitioners as well as to the order dated 17.05.2021 (Annexure P-1) passed by the Central Administrative Tribunal (hereinafter referred as "Tribunal") by which, the grievance raised before the Tribunal that the recovery of excess amount made to the petitioners has been rejected.

2. Learned counsel for the petitioners submits that though in case of the petitioners, the action of recovery from their retiral benefits admissible to them has been held by the Tribunal vide order dated

17.05.2021 (Annexure P-1) to be valid but the Tribunal qua the other similarly situated employees, set aside the similar recovery order passed by the respondent and the respondent No.2-UOI filed a writ petition being CWP No.17835 of 2024 and CWP No.17845 of 2024 by the BSNL challenging the said orders passed by the Tribunal.

3. Learned counsel for the petitioners submit that the said writ petitions have been dismissed upholding the order of the Tribunal while 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***, wherein it has been held that no recovery of excess payment to an employee can be done from the petitioners, which judgment has already been upheld by the Co-ordinate Bench of this Court qua the other similarly situated employees.

4. Learned counsel for the respondents is not able to rebut the said fact but submits that in case of the petitioners, the Tribunal did not accept their plea and the recovery qua the excess amount paid to petitioner was ordered to be made.

5. We have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

6. It may be noticed that in case of other similarly situated employees, the relief claimed by such employees before the Tribunal which is the same as being claimed by the petitioners, was allowed, which grant of benefit has also been upheld by the Division Bench of this Court in a writ petition filed by the respondents No.1, 3 and 5-Bharat Sanchar Nigam Limited being CWP No.17845 of 2024; the order dated 17.05.2021 (Annexure P-1) passed by the Tribunal declining the same benefit in the case

of the petitioners cannot be upheld as the same would lead to a contrary decision of the Division Bench in CWP No.17845 of 2024.

7. Learned counsel for the respondents No.1, 3 and 5-BSNL has not been able to dispute the fact that the similar orders of recovery qua excess payment made to them, passed against the similarly situated employees have been held to be bad by the Tribunal and same was upheld by this Court.

8. That being so, the judgment of the Tribunal dated 17.05.2021 (Annexure P-1) and the orders of the recovery against the petitioners cannot be sustained and the same are set aside keeping in view the decision in CWP No.17845 of 2024.

9. Present petition is allowed in the above terms.

10. Pending application, if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

18-08-2025
Sapna Goyal

(VIKAS SURI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO