



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

204

CWP-25175-2016

Date of Decision: 02.12.2025

SH. KULWANT SINGH

...Petitioner

Vs.

STATE OF PUNJAB AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Manu Loona, Advocate
for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 02.12.2014 whereby respondent has ordered to recover a sum of Rs.2,11,665/- on account of excess payment.

2. The petitioner belongs to Punjab Police. He was appointed as Constable on 07.06.1982. His salary was increased from time to time. He was promoted to the rank of Head Constable in December' 1990 and his pay was fixed Rs.1260/-. The respondent in 2015 formed an opinion that petitioner was paid excess salary to the tune of Rs.2,11,665/- and it should be recovered from him. The respondent started deducting Rs.5000/- per month from his salary.

3. On 05.12.2016 while issuing notice of motion, this Court stayed further recovery. The order dated 05.12.2016 reads as:-

“The pay of the petitioner vide impugned order dated 02.12.2014 has been refixed and recovery for an

excess amount of Rs.2,11,665/- was ordered.

At the time of hearing, relief claimed is only qua the recovery.

It is contended that the petitioner is holding a Class-III posts. There was no misrepresentation or concealment of any fact on the part of the petitioner.

Notice of motion for 25.04.2017.

Any further recovery shall remain stayed.”

4. Learned State counsel submits that petitioner has retired on attaining the age of superannuation. He expressed his inability to controvert the fact that there was no lapse/connivance/fraud/misrepresentation on the part of the petitioner while his pay was fixed in the higher bracket. He submitted that it was a clerical mistake on the part of the respondent.

5. Keeping in mind judgment of Hon’ble Supreme Court in **“State of Punjab and Ors. Vs. Rafiq Masih (White Washer) and Ors.”**, (2015) 4 SCC 334, this Court finds it appropriate to make order dated 05.12.2016 absolute. Accordingly, order dated 05.12.2016 is hereby made absolute.

6. Disposed of in above terms.

7. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

December 02, 2025
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No