



CWP-417-2014 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-417-2014 (O&M)

Date of Decision:01.12.2025

KRISHANPAL SHARMA

...Petitioner

Versus

STATE OF PUNJAB & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ravindra Singh, Advocate and
Mr. Puneet Gupta, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Mr. Sanjeev Soni, Advocate
for respondents No.2 and 3.

HARPREET SINGH BRAR, J. (ORAL)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India with a prayer for issuance of an appropriate writ or order in the nature of certiorari for quashing the impugned orders dated 25.11.2013 (Annexure P-12) and 13.09.2010 (Annexure P-4), whereby the respondent-Board has effected a recovery of Rs.39,245/- from the petitioner's pension and for a further direction to refund the recovered amount to the petitioner along with interest @ 18% per annum.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was appointed in the year 1973 and retired on 31.03.2006. A *No Due Certificate* was issued at the time of his retirement, as is evident from Annexure

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P-2. However, the respondent-Board unilaterally recovered an amount of Rs.2,000/- each from the petitioner's pension for the months of July 2010 and August 2010. The petitioner came to know about this unilateral recovery only after updating his passbook. He immediately submitted a representation to the respondent-Board on 10.08.2010 seeking the grounds on which these deductions had been made from his pension.

3. In response thereto, it has been stated that an amount of Rs.39,245/- had been paid in excess to the petitioner on account of the change in the date of proficiency step-up from 24.03.1994 to 22.01.1999. Copies of the letters dated 10.08.2010 and 13.09.2010 are attached with the petition as Annexures P-3 and P-4.

4. The petitioner filed an appeal under Section 42 of the Punjab Agricultural Produce Markets Act, 1961, which was dismissed vide order dated 25.11.2013 (Annexure P-12). The recovery was made from the petitioner's pension without issuing any notice of hearing, which, in the eyes of law is impermissible, especially as it was effected more than four years after his retirement. Further, in the month of December 2013, an amount of Rs.10,000/- was also deducted.

5. Per contra, learned counsel for the respondents could not controvert the fact that the excess payment was not made on account of any misrepresentation or fraud by the petitioner, and that no notice was issued to the petitioner prior to effecting the impugned recoveries. The date of promotion and increment was changed in accordance with the order passed by this Court in CWP-4475-1988, decided on 09.07.1991.

6. I have heard the learned counsel for the parties and have perused the record with their able assistance.

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7. From the perusal of the record, it transpires that the petitioner retired on 31.03.2006, and at the time of retirement, no *Due Certificate* was issued. Further, this Court, while deciding CWP-4475-1988, did not pass any direction regarding the making of recoveries from the petitioner, as he was not a party to that writ petition. The case of the petitioner is squarely covered by the judgment rendered by this Court in CWP-32661-2024, titled *Sajjan Kumar Goyal vs. State of Haryana and others*, decided on 04.11.2025.

8. In view of the above discussion, the present petition is allowed. Consequently, the impugned orders dated 25.11.2013 (Annexure P-12) and 13.09.2010 (Annexure P-4) are hereby quashed and set aside. The Respondents are directed to refund the amount recovered from the petitioner along with interest at the rate of 6% per annum from the date of institution of the present writ petition until the date of actual payment. Such payment shall be made within a period of three months from the receipt of a certified copy of this order.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)

JUDGE

01.12.2025

P.Bhatt

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>