



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

201-3

CWP-25558-2024

Date of decision: 18.11.2025

Sarwan Kumar and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Beant Singh Seemar, Advocate,
Mr. Ranjodh Singh Jodha, Advocate and
Mr. Sumeet Singh, Advocate for the petitioners.

Mr. Satnampreet Singh Chauhan, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. The present petition has been filed by the petitioners under Articles 226/227 of the Constitution of India, seeking a writ of certiorari, for quashing letter No.4126-33/S dated 11.09.2023 (Annexure P-2), recovery notice/letter No.APS(M)/PT2023/155 dated 21.08.2023 (Annexure P-1) whereby recovery of excess pay given to the petitioners has been recommended and for directing respondent No.2 to make refund of recovery of Rs.3,67,689/- effected from petitioner No.1-Sarwan Kumar with interest.

2. Learned counsel for the petitioners submits that after re-fixing their salary, the recovery is being done from the petitioners, which is not permissible keeping in view the judgment of the Hon'ble Supreme Court in *State of Punjab and others Vs. Rafiq Masih (White Washer) etc., 2015(1) S.C.T., 195*.

3. Learned State counsel, on the other hand, submits that the petitioners have given an undertaking that in case any excess payment has been made to them, the same can be recovered hence, the claim of

the petitioners is covered by the judgment of Hon'ble Supreme Court in *Civil Appeal No.3500 of 2006 titled as High Court of Punjab & Haryana and others Vs. Jagdev Singh, decided on 29.07.2016*, which has been passed keeping in view the undertaking given by an employee after considering the judgment in *Rafiq Masih's case (supra)*.

4. Faced with this situation, learned counsel for the petitioners submits that the petitioners intend to approach the respondents by filing appropriate representation with regard to the refixation of their salary and the respondents be directed to decide the said representation by passing an appropriate speaking order in a time bound manner.

5. Learned State counsel submits that in case any representation/claim is received at the hands of the petitioners, the same will be decided by the competent authority within a period of eight weeks of the receipt of any such claim/representation by passing an appropriate speaking order and in case, after the decision any relief is to be extended to the petitioners, the same will be extended, otherwise due reasons will be mentioned in the speaking order to be passed for not accepting the claim of the petitioners for their information and necessary action.

6. Learned counsel for the petitioners submits that keeping in view the statement of learned State counsel, the present writ petition may kindly be disposed of as having been not pressed any further.

7. Ordered accordingly.

18.11.2025

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(NAMIT KUMAR)
JUDGE

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