

2026.PHHC.049403



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CWP-14226-2001 (O&M)

Date of decision: March 30, 2026

OM PRAKASH SHARMA

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: None for the petitioner.

Mr. R.S. Budhwar, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the memo dated 10.09.2001, Annexure P-3, whereby after withdrawing the second ACP scale of ₹6500-10500, the petitioner's pay has been refixed and recovery has been ordered to be effected.

2. Learned State counsel contended that refixation was done in terms of the Haryana Civil Services (Revised Pay) Rules, 1998, which entitled employees to first ACP scale of ₹5450-8000 after completion of ten years of regular satisfactory service, and second ACP scale of ₹5500-9000 after completion of twenty years of regular satisfactory service. Therefore, the petitioner was entitled to second ACP scale of ₹5500-9000 instead of ₹6500-10500, since he had been recruited JBT teacher as a fresh entrant and his functional pay scale on 31.12.1995 was ₹1200-2040, revised to ₹4500-7000 with effect from 01.01.1996.

3. This stand of the respondents has not been disputed by the petitioner by filing any counter-affidavit.

4. Considering the submissions, this Court is not inclined to interfere with the impugned memo dated 10.09.2001, to the extent the petitioner's pay has been refixed thereby. However, in terms of law laid down in *State of Punjab and others v. Rafiq Masih (White Washer) and others*, 2015(4) SCC 334, recovery cannot be allowed to be effected from the petitioner as the benefit was extended to him by the Department on its own. The direction to effect recovery is accordingly set aside.

4. The petition stands partly allowed in the aforesaid terms.

5. Pending application(s), if any, also stand(s) disposed of.

March 30, 2026

Jaspreet Kaur

(TRIBHUVAN DAHIYA)
JUDGE

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*