



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

RSA-4340-2000 (O&M)

Date of decision: 09.02.2026

Punjab Agro Industries Corporation Ltd. and anotherAppellants

Versus

Jagdev Singh (deceased) through his LRsRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Rupam K. Aggarwal, Advocate for the appellants.

Mr. S.K. Sharma, Advocate for the respondent.

NAMIT KUMAR, J. (ORAL)

1. The instant Regular Second Appeal has been directed against the judgments and decrees dated 16.09.1996 and 31.08.2000 passed by the learned Trial Court and First Appellate Court respectively, whereby the suit of the respondent/plaintiff has been decreed and orders dated 11.04.1994 and 15.06.1994, vide which the respondent/plaintiff has been placed in the pay scale of Rs.950-1800 with effect from 26.12.1989 and recovery of Rs.45,147.42 paisa has been ordered to be effected from his pay, have been held to be illegal, void and inoperative against the respondent/plaintiff with consequential relief of permanent injunction restraining the defendants from recovering the above amount from his pay and the appeal preferred by the appellant/defendant has been dismissed by the learned First Appellate Court, vide judgment and decree dated 31.08.2000. Parties to the *lis* hereinafter shall be referred to by their original position before

the learned Trial Court.

2. It has been submitted by the learned counsel for the appellant that during the pendency of the present appeal, the respondent/plaintiff has retired on 31.07.2001 and has unfortunately died on 27.02.2024. In view of the said development, on the last date of hearing, learned counsel for the appellant had sought adjournment to get instructions from the department as to whether they still want to pursue the instant appeal.

3. Learned counsel for the respondent/plaintiff submits that since the respondent/plaintiff has already retired from service and has unfortunately died, therefore, no recovery can be made by the department at this stage in view of the law laid down by the Hon'ble Supreme Court in ***State of Punjab and others Vs. Rafiq Masih (White Washer) etc., 2015(1) S.C.T., 195***, wherein it has been held that recovery from Class III employee cannot be made for any amount which has wrongly been paid to him/her and also in view of the law laid down in ***Ex Naik Bhag Chand v. Director General of Police, CRPF and others : 2025(1) SLR 535***, wherein it has been held that no recovery can be effected from the LRs of the deceased employee.

4. Learned counsel for the appellant, despite his best efforts, could not refute the said contention of the learned counsel for the respondent/plaintiff.

5. Concurrent findings have been recorded by the learned Trial Court and the First Appellate Court and learned counsel for the appellants has failed to show that the same are perverse or illegal or based on misreading, non-reading or mis-appreciation of the material

evidence on record.

6. Consequently, the present appeal is hereby dismissed with no order as to costs.

7. Pending applications, if any, stand disposed of.

09.02.2026

Vinay

(NAMIT KUMAR)
JUDGE

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