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

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CWP-10641-2026(O&M)

Date of decision: 08.04.2026

Chattarpal & ors.

... Petitioners

Vs.

**Punjab Water Resources Management and
Development Corporation Ltd.**

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. AS Walia, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing orders dated 06.05.2014 (Annexure P-1), dated 16.09.2013 (Annexure P-2) and dated 03.11.2014 (Annexure P-3), vide which recovery has been effected from the leave encashment due to the petitioners and the speaking order dated 26.11.2024 (Annexure P-4), wherein the claim of the petitioners for setting aside of recovery has been dismissed. Further for directing the respondent to make refund of the recovery effected from the petitioners out of salary/leave encashment with interest @ 18% p.a.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners retired from service of the respondent-Corporation. Their date of joining and retirement is as under:-

Sr. No.	Petitioners Name	Designation	Date of Joining	Date of retirement
1.	Chattarpal	Asst. Revenue Clerk	14.06.1978	28.02.2013
2.	Sohan Lal	Sr. Canal Patwari	30.11.1977	30.06.2012
3.	Darshan Singh	Asst. Revenue Clerk	20.10.1979	30.04.2014

3. Moreover, the respondents effected recoveries from the petitioners’ leave encashment post-retirement, purportedly on the ground of erroneous pay fixation, as is discernible from Annexures P-1 to P-3. Learned counsel further submits that neither any formal order of recovery was issued, nor were the particulars of the alleged excess payment ever furnished to the petitioners; consequently, the recoveries were carried out unilaterally. The petitioners approached this Court by filing **CWP-20387-2015**, which was disposed of vide order dated 12.02.2024 directing the respondents to reconsider the case of the petitioners by passing a speaking order in terms of judgment by this Court in **CWP-13329-2016**. In purported compliance of the same, the respondents passed a speaking order dated 26.11.2024 (Annexure P-4) rejecting the claim of the petitioners on the ground that at the time of giving the benefit of 5th Pay Commission w.ef. 01.01.2006, the petitioners had submitted their respective undertaking to effect recovery.

4. Further, the speaking order was passed *qua* these employees and three of them approached this Court by filing **CWP-18474-2025** titled as **‘Ram Niwas and ors. Vs. Punjab Water Resources Management and Development Corporation Limited’**, decided on 12.11.2025, wherein this

Court had allowed their writ petition in terms of the judgment of the Hon’ble Supreme Court in the case of **State of Punjab Vs. Rafiq Masih, 2015 (1) SCT 195** and by this Court in CWP-27459-2017 titled as **Naib Singh Vs. State of Punjab & ors.**, decided on 16.04.2024 consequently quashing and setting aside the order dated 26.11.2024 (Annexure P-4). The learned counsel submits that the case of the petitioners is squarely covered by the judgement rendered in **Ram Niwas (supra)** as the petitioners in the present petition are identically situated to the petitioners therein.

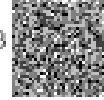
4. Learned counsel further submits that the advance copy of the writ petition was served upon the respondent through e-mail. However, there is no representation on behalf of the respondent.

5. Having heard the learned counsel for the petitioner, it transpires that the issue in the present writ petition *is no longer resinterga*, and the same has been settled by this court in **Ram Niwas (supra)**.

6. This Court in **Ram Niwas (supra)** observed as under:-

"6. Having heard the submissions made by learned counsel for the parties and after perusing the record with their able assistance, it transpires that petitioners have retired from the respondent-Corporation on attaining the age of superannuation mentioned above. The respondent-Corporation made certain recoveries as detailed in the speaking order (Annexure P-4), which reads as under:-

Sr. No.	Names	Date of retirement	Amount of recovery	Recovery orders dated
1.	Sh. Ram Niwas S/o	28.02.2013	Rs.96,043/-	02.03.2015



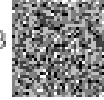
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	<i>Sh. Gopi Ram</i>			
2.	<i>Sh. Fakir Chand S/o Sh. Tara Chand</i>	<i>31.07.2014</i>	<i>Rs.1,62,056/-</i>	<i>23.01.2015</i>
3.	<i>Sh. Dharampal S/o Sh. Isher Singh</i>	<i>28.02.2011</i>	<i>Rs.61,416/-</i>	<i>19.09.2013</i>
4.	<i>Sh. Chhattarpal s/o Sh. Ranjha Singh</i>	<i>30.06.2013</i>	<i>Rs.59,559/-</i>	<i>09.05.2014</i>
5.	<i>Sh. Sohan Lal S/o Sh. Ratti Ram</i>	<i>30.06.2012</i>	<i>Sh.97,704/-</i>	<i>19.09.2013</i>
6.	<i>Sh. Darshan Singh S/o Sh. Vir Singh</i>	<i>30.04.2014</i>	<i>Rs.1,14,873/-</i>	<i>05.11.2014</i>

The reason for effecting recovery(s) was that petitioners were wrongly granted two increments/the benefits of ACP scheme accrued in the year 1991-92, where pay-scale was revised w.e.f. 01.01.2006 in terms of the 5th Pay Commission implemented in the year 2008. As such, the reasons given in the speaking order to justify the recoveries on the basis of undertaking submitted by petitioners is totally misplaced. A perusal of the undertakings (Annexures P-5 to P-7) clearly indicates that same are with regard to fixation of new pay scale w.e.f 01.01.2006. It has no nexus with the increments granted under the ACP scheme. The case of the petitioner(s) is squarely covered by the judgment of ***State of Punjab Vs. Rafiq Masih 2015(1) SCT 195***. The relevant portion of the judgment is reproduced as under:-

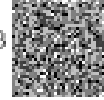
“18. It is not possible to postulate all situations of hardship, which would govern employees on the issue of



recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:

- (i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).*
- (ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*
- (iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*
- (iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*
- (v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.”*

7. In view of the above, without further commenting upon the merits of the case, the present petition is allowed in terms of **Rafiq Masih (supra)** and order dated 26.11.2024 (Annexure P-4) qua petitioners is quashed and set aside. Respondent/competent authority is further directed to refund the recovered amount to the petitioners along with an interest @ 6% per annum from the date of recovery till its actual realization. The same shall be done within a period of three



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months from the date of receipt of certified copy of this order.”

7. It is undisputed that the petitioners herein are identically situated to the petitioners in ***Ram Niwas (supra)***. The State ought to have extended the same benefit to the present petitioners as was granted therein, instead of compelling them to approach this Court for identical relief. Reliance in this regard may be placed upon the judgement rendered by a Two Judge Bench of the Hon’ble Supreme Court in ***Lt. Col. Suprita Chandel v. Union of India 2024 INSC 942***.

8. In view of the above, without further commenting upon the merits of the case, this writ petition is allowed *in limine* in terms of ***Ram Niwas (supra)***. Consequently, the impugned orders dated 06.05.2014 (Annexure P-1), 16.09.2013 (Annexure P-2), 03.11.2014 (Annexure P-3) and 26.11.2024 (Annexure P-4), qua petitioners are quashed and set aside. Respondent/competent authority is further directed to refund the recovered amount to the petitioners along with an interest @ 6% per annum from the date of recovery till its actual realization. The same shall be done within a period of three months from the date of receipt of certified copy of this order.

[HARPREET SINGH BRAR]
JUDGE

08.04.2026
monika

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