

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

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(I) CWP-17473-2020

Date of Decision : April 17, 2026

KARNAIL SINGH

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

(II) CWP-19851-2020

SOHAN SINGH SAHOTA

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

(III) CWP-16886-2023

SURAIN SINGH BHATTI

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Manjit Singh Uppal, Advocate
for the petitioners (in CWP-17473-2020 and
CWP-19851-2020).

Mr. Amrik Singh, Advocate
for the petitioner (in CWP-16886-2023).

Mr. Amit Kumar Goyal, Addl. A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. All these writ petitions are amenable for being decided through a common verdict as they involve a common issue for adjudication. For the sake of brevity and convenience, the facts are extracted from CWP-17473-2020.
2. The petitioner assails the order dated 07.01.2020 passed by the

Chief Engineer, Punjab (Headquarters), Public Works Department, B&R Branch, Patiala, whereby the benefits of the Assured Career Progression Scheme, granted to him in respect of his *ad hoc* service on the post of Sub-Divisional Engineer, have been withdrawn after more than 14 years of his superannuation, and his pay/pension has been unilaterally revised/refixed.

3. On the previous date of hearing, i.e. 25.03.2026, this Court had passed the following order:-

“On the last date of hearing, this Court has put a specific query to the learned counsel for the petitioner to establish that the ad-hoc period is liable to be reckoned as qualifying service for the purpose of granting ACP benefits.

Today, learned counsel for the petitioner prays for an adjournment to address the arguments.

*On the other hand, learned State counsel, while placing reliance upon the judgment rendered by the co-ordinate Bench of this Court in **CWP-5769-1999 (Shiv Kumar Sharma vs. State of Punjab and another)**, decided on 17.03.2025, submits that this issue has already been adjudicated and the petitioner therein was held not entitled for counting the ad-hoc service as the qualifying service for the purpose of granting ACP.*

Adjourned to 17.04.2026.

To be shown in the urgent list.

A photocopy of this order be placed on the files of other connected matter.”

4. Learned counsel for the petitioners fairly concede that the petitioners are not entitled to the A.C.P. benefits, which were erroneously granted. However, recovery sought to be effected from the petitioners is impermissible in light of the law laid down by the Hon’ble Supreme Court in **“State of Punjab and Others Vs. Rafiq Masih (White Washer) and Others”, (2015) 4 SCC 334.**

5. This Court posed a specific query to learned State counsel as to

whether any show cause notice had been issued to the petitioners prior to initiating recovery on account of the wrongful grant of A.C.P. benefits. Learned State counsel, on instructions, fairly submits that no such show cause notice had been served upon the petitioners.

6. In the absence of compliance with the principles of natural justice, particularly the issuance of a prior show cause notice, this Court is of the considered view that the respondents cannot proceed to effect recovery from the petitioners at this stage. Accordingly, the present writ petitions are **disposed of** with the following directions:

(i) The respondents shall be at liberty to issue show cause notices to the petitioners in the event they propose to initiate recovery proceedings;

(ii) Upon issuance of such notices, the petitioners shall be at liberty to furnish their replies, whereafter the respondents shall, after affording due opportunity of hearing to the petitioners, pass a speaking order in accordance with law;

(iii) The aforesaid exercise shall be completed within a period of three months from the date of receipt of a certified copy of this order.

(iv) No recovery shall be effected from the petitioners until a fresh speaking order is passed upon completion of the aforesaid exercise.

7. A photocopy of this order be placed on file of each connected case.

April 17, 2026
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No