
(2012) 07 P&H CK 0119
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 7279 of 2011 (O and M)

Banwari Lal and Another

APPELLANT

Vs

The State of Punjab and Others

RESPONDENT

Date of Decision : 18-07-2012

Acts Referred:

Citation : (2012) 07 P&H CK 0119

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : Rupinder Kaur, for the Appellant; Suvir Sehgal, Additional Advocate General, Punjab, for the Respondent

Final Decision : Allowed

Judgement

Tejinder Singh Dhindsa, J.—Both the petitioners, who were working as Health Supervisors, retired upon attaining the age of superannuation on 30.06.2008 and 31.05.2008, respectively. The challenge in the present writ petition is to the action of respondent-Authorities whereby the financial benefit that had already been granted to them towards proficiency step up increments, on completion of 16 and 24 years of service has now been recovered, in terms of Annexure P-3 and P-4. As such the challenge in the present writ petition is to the orders dated 20.08.2008 (Annexure P-3) in respect of petitioner No. 1 and order dated 21.08.2008 (Annexures P-4) in respect of petitioner No. 2.

2. Counsel for the petitioners contends that such recovery could not have been effected as the financial benefits towards proficiency step up increments were granted to them not on account of any misrepresentation attributable to the petitioners. Counsel further submits that the recovery already affected is in clear violation of Full Bench judgment of this Court in Budh Ram Vs. State of Haryana and others, 2009 (3) S.C.T. 333.

3. Learned counsel appearing for the State has not been able to point any averment in the written statement which would reflect that such financial benefit

that has already been recovered was on account of any misrepresentation on the part of the petitioners.

4. Resultantly, orders (Annexures P-3 and P-4) are set aside. It is further held that the recovery of Rs.56,196/-from petitioner No. 1 and Rs.56,095/-from petitioner No. 2 is bad in law. Petition is accordingly allowed with a direction to respondent No. 2 to refund the aforesaid amount to the petitioners within a period of two months from the date of receipt of a certified copy of this order.