
(2009) 09 RAJ CK 0032
In the Rajasthan High Court
Case No : Civil Writ Petition No. 5124 of 2009

Trilochan Singh

APPELLANT

Vs

R.R.V.P.N. Ltd. and Others

RESPONDENT

Date of Decision : 11-09-2009

Acts Referred:

Citation : (2009) 09 RAJ CK 0032

Hon'ble Judges : P.C. Tatia, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prakash Tatia, J.—The petitioner was appointed on 07.03.1975 as Instrument Mechanic in the services of the then Rajasthan State Electricity Board. The petitioner joined on the post on 13.03.1975. He was given revised pay scale of Rs. 240-378 w.e.f. 01.04.1977 and, thereafter, he was also given post of SBA-II and, thereafter also he was given revised pay scale time to time. From 01.09.1986 the petitioner was given benefit of jump and given pay scale of Rs. 1225/-. The petitioner then retired on 31.1.2009 from service then respondent became wise and says that petitioner was wrongly fixed in the pay scale of Rs. 1225/- on 01.09.1986, whereas he should have been put in pay scale of Rs. 1200/-. On this premise, after retirement of the petitioner an order has been passed for making correction in the service book of the petitioner as well as for recovery of the excess amount paid to the petitioner.

2. Heard learned Counsel for the parties and perused the reasons given in the reply.

3. The petitioner who was appointed in the year 1975 and has been fixed in pay scale by specific order in the year 1986 and retired on 31.01.2001 cannot be subjected to this treatment of withdrawing the benefits, which were given to the petitioner as back as in the year 1986. The order fixing the petitioner in particular pay scale could not have been altered without giving opportunity of

hearing to the petitioner and that too also could have been done in reasonable time. The respondents have no right to straightway pass the order for making any correction in the service book of the petitioner resulting into withdrawal of benefit of pay fixation and consequential recovery of the amount from the petitioner.

4. Therefore, the writ petition of the petitioner is allowed. The respondents are restrained from recovering any such amount from the petitioner and if the amount has not been paid to the petitioner on that ground, the same be paid to the petitioner.