



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

1076

CWP-15980-2007 (O&M)

Date of decision: 14.05.2025

Satwant Kaur

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- None for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for directing the respondents not to make any recovery of amount as there was no fraud or any misrepresentation on the part of the petitioner.

2. The Division Bench vide order dated 11.10.2007, while admitting the petition, had stayed the recovery and after hearing the counsel for the parties, it was made absolute on 11.02.2008.

3. In para 2 of the preliminary submissions of the written statement filed on behalf of respondent Nos.1, 2, 4 and 5, it has been stated that CWP-5731-2005, titled as **Satwant Kaur vs. State of Punjab and others**, is pending involving the same issue as that in the present case and this matter be heard alongwith the same, which stood allowed on 12.07.2011, in view of which learned State counsel is unable to resist disposal of this petition in the same terms, relevant paras whereof read thus:-

“4. A perusal of the written statement does not show that the petitioner played fraud or misrepresented facts so as to get monetary benefits.

5. In view of the above, the issue is covered by judgment of Full Bench of this Court rendered in Budh Ram and others v. State of Haryana and others, 2009(3) PLR 511, wherein the following has been held:-



"It is in the light of the above pronouncement, no longer open to the authorities granting the benefits, no matter erroneously, to contend that even when the employee concerned was not at fault and was not in any way responsible for the mistake committed by the authorities, they are entitled to recover the benefit that has been received by the employee on the basis of any such erroneous grant. We say so primarily because if the employee is not responsible for the erroneous grant of benefit to him/her, it would induce in him the belief that the same was indeed due and payable. Acting on that belief the employee would, as any other person placed in his position arrange his affairs accordingly which he may not have done if he had known that the benefit being granted to him is likely to be withdrawn at any subsequent point of time on what may be then said to be the correct interpretation and application of rules. Having induced that belief in the employee and made him change his position and arrange his affairs in a manner that he would not otherwise have done, it would be unfair, inequitable and harsh for the Government to direct recovery of the excess amount simply because on a true and correct interpretation of the rules, such a benefit was not due. It does not require much imagination to say that additional monetary benefits going to an employee may not always result in accumulation of his resources and savings. Such a benefit may often be utilized on smaller luxuries of life which the employee and his family may not have been able to afford had the benefit not been extended to him. The employees can well argue that if it was known to them that the additional benefit is only temporary and would be recovered back from them, they would not have committed themselves to any additional expenditure in their daily affairs and would have cut their coat according to their cloth. We have, therefore, no hesitation in holding that in case the employees who are recipient of the benefits extended to them on an erroneous interpretation or application of any rule, regulation, circular and instructions have not in any way contributed to such erroneous interpretation nor have they committed any fraud, misrepresentation, deception to obtain the grant of such benefit, the benefit so extended may be stopped for the future. but the amount already paid to the employees cannot be recovered from them."

6. In view of the above, the petition is, accordingly allowed. It is held that the respondents would not have a right to effect recovery of the monetary benefits already released to the petitioners. In case, any recovery has been effected, the same be refunded to the petitioners within four months of receipt of certified copy of the order."



4. The present petition is disposed of in terms of **Satwant Kaur** (supra).

(AMAN CHAUDHARY)
JUDGE

14.05.2025

Hemant

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