



202

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-1739-2019 (O&M)

Date of Decision: 12th of May, 2025

FOOD CORPORATION OF INDIA AND OTHERSAppellant(s)

V/s.

RAJPAL SINGH AND ANOTHERRespondent(s)

CORAM: **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**
HON'BLE MR. JUSTICE H.S. GREWAL

Present Mr. H.S. Dhandi, Advocate for the appellants.

None for the respondents.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. Notice of motion was issued on 12.11.2024 in this case relying on the judgment passed by this Court in **High Court of Punjab & Haryana and Others** Vs. **Jagdev Singh**; JT 2016(7) SC 409.

2. We find that the learned Single Bench had decided the Writ Petition vide impugned judgment dated 15.07.2019 relying on the judgment passed in the case of **State of Punjab and Others** Vs. **Rafiq Masih (White Washer) etc.**; (2014) 8 SCC 883 to hold that merely on the basis of formal undertaking given in the prescribed format, the amount cannot be withheld and recovered from the petitioner. The same was, therefore, directed to be released.

3. We find that the judgment passed in **Rafiq Masih (White Washer)** (Supra) was distinguished in the case of **Jagdev Singh** (Supra) as it was a case of judicial officer. We also noticed that after



retirement, recovery orders have been issued against the respondent which otherwise also cannot be said to be justified in view of the settled law by the apex Court in Chandi Prasad Uniyal & Others Vs. State of Uttaranchal; (2012) 8 SCC 417 which was examined by the Supreme Court afresh in State of Punjab & Others Vs. Rafiq Masih (White Washer); 2015 (1) SCT 195 and Thomas Daniel Vs. State of Kerala & Others; 2022 INSC 498.

4. The Supreme Court has also reiterated now the same view in SLP No. 5918 of 24 titled as Jogeshwar Sahu Vs. District Judge, Cuttack; 2025 INSC 449.

5. In view thereto, the issue is no more *res integra* and we do not find any reason to interfere with the impugned judgment of the learned Single Bench. The present Appeal is also belated by 58 days. Be that as it may, in view of the latest judgment of the Supreme Court, the present Appeal stands dismissed accordingly.

6. All pending applications in this case are disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

[H.S. GREWAL]
JUDGE

May 12, 2025

Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>