



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

869

CWP-14079-2005 (O&M)
Date of decision: 03.05.2025

Roshan Lal and another

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. R.S. Manhas, Advocate
for the petitioners.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the order dated 11.03.2005, Annexure P-4 vide which the recovery was to be effected.
2. The Division Bench vide order dated 08.03.2007, while admitting the petition, had stayed the recovery. Reliance is placed on the judgment passed in CWP-12954-2001 titled as **Mohinder Pal and others vs. State of Punjab and others**, which was allowed on 12.12.2002, wherein the same issue as involved in the present case was dealt with by the Division Bench and the order of recovery was quashed, the relevant paras whereof read thus:-

“We have given our thoughtful consideration to the entire matter and find that the present petition deserves to succeed. There is no dispute between the parties that the petitioners at no stage had made any mis-representation soliciting the benefit of Army service or the grant of higher pay scale on that basis. If subsequently, it was found that the petitioners were not entitled to the aforesaid benefit and the aforesaid benefit was sought to be withdrawn by the respondents, then the payments already made voluntarily, respondents to the petitioners, could by not be ordered to be recovered. The submissions made by the petitioners in the present case are clearly covered by the law laid down by the Apex Court in Rekha Majhi's case (Supra) and Sahib Ram's Case (Supra).

In this view of the matter, the present petition succeeds and the order Annexure P-4 passed by the respondents ordering the



recovery of the payments already made to the petitioners, it is hereby quashed. There shall be no orders as to costs.”

3. Learned counsel for the petitioners prays for disposal of the petition in terms of the aforesaid judgment, which learned State counsel despite best efforts, was unable to resist by distinguishing the same or citing any contrary law.

4. The present petition is disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

03.05.2025

Hemant

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