

2025:PHHC:068962



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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**CWP-15019-2011 (O&M)
Date of Decision: 21.05.2025**

RAJESH JOLLY AND ORS.

... Petitioners

VERSUS

NEW INDIA ASSURANCE CO. AND ORS.

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Sameer Sachdeva and Mr. Varinder Singh,
Advocates for the petitioners.

Mr. Ashwani Talwar and Mr. Deepak Goyat,
Advocates for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Challenging the order/communication issued by the respondents for effecting recovery of non-core benefits from the petitioner, the instant writ petition has been filed by placing reliance on a Division Bench judgment of this Court in LPA No.1317 of 2011 decided on 08.08.2011 and other connected matters.

The instant writ petition was adjourned *sine die* vide order dated 02.08.2013 to await the outcome of SLP (Civil) No.22037 of 2012 which was preferred against the order/judgment dated 08.08.2011 (*supra*).

Counsel for the parties are *ad idem* that the said SLP (Civil) No.22037 of 2012 (Civil Appeal No.9296 of 2013) has since been decided vide order dated 29.11.2023 and the judgment passed by the Division Bench of this Court stands upheld.

In view of the above, the present writ petition is allowed in terms of the *order dated 13.01.2010* passed in *CWP No.14088 of 2009* titled as *Manoj Luthra Versus New India Assurance Company and Others*, as upheld by the Division Bench of this Court in LPA No.1317 of 2011 decided on 08.08.2011 and other connected matters.

Needless to mention that in case any recovery has been effected from the petitioners herein, the same shall be restored to the petitioners within a period of four weeks of the receipt of certified copy of this order. In case the needful is not done within the period stipulated above, the petitioners shall be entitled to interest @ 6% per annum from the date of recovery till its actual disbursement.

All other misc. application(s), if any, also stand(s) disposed of accordingly.

MAY 21, 2025.

Rajender

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No