

2025:PHHC:078674



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

1398

CWP-3690-2012 (O&M)  
Date of decision: 03.07.2025

Smt. Krishna Rani

..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.

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**AMAN CHAUDHARY, J. (Oral)**

1. Prayer made in the present petition for quashing order dated 24.01.2012 whereby salary of the petitioner was refixed without complying with the principle of natural justice.

2. In the index of the petition, reference was made to pendency of CWP No.3228 of 2012 titled as **Ramesh Kumar vs. State of Punjab etc.**, thus, while issuing notice of motion on 28.02.2012, the present petition was to come up along with it and interim orders were also passed in the same terms which however, during pendency of the present petition, was disposed of on 21.02.2013, relevant whereof read thus:-

“Petitioner has approached this Court praying for quashing of the order dated 15.02.2012 (Annexure P2), vide which recovery of the alleged excess amount of Rs.42,008/- has been ordered to be made from the retiral benefits of the petitioner to be precise from the gratuity. Thus, the counsel for the petitioner contends, is not sustainable in the light of the Full Bench judgment of this court in Budh Ram vs. State of Haryana and others, 2009(3) PLR 511 and the latest judgment of the Supreme Court in Chandi Prasad Uniyal and others vs. State of Uttarakhand and others, 2012(8) SCC 417. He has further stated that the State of Punjab itself has issued instructions dated 15.10.2012 wherein it has further been

stated that where there is no mis-statement, fraud and mis-representation on the part of the employee, no recovery is to be effected from the retiral benefits.

Counsel for the respondents could not dispute the fact that there is no allegation against the petitioner that he had either mis-stated, mis-represented or committed a fraud upon the respondents while the benefit of proficiency step-up and increments were granted to the petitioner.

In the light of the above facts, the present writ petition is allowed. The impugned order dated 15.02.2012 (Annexure P2) to the extent of recovery from the petitioner amounting to Rs.42,008/- is hereby quashed. Recovery, if any, effected from the petitioner shall be refunded to the petitioner within a period of two months from the date of receipt of certified copy of the order.”

3. Learned State counsel being unable to controvert regards the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law, in view of which, the present petition is disposed of in terms thereof.

**03.07.2025**  
ashok

**( AMAN CHAUDHARY )**  
**JUDGE**

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