



CWP-9709-2004(O&amp;M)

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

740

CWP-9709-2004 (O&M)  
Date of decision: 22.04.2025

Sukhdev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Ajay Kumar Chaudhary, Advocate for  
Mr. Harinder Sharma, Advocate for the petitioner.

Mr. Satnam Preet Singh, DAG, Punjab.

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

1. Prayer made in the present petition for quashing the order dated 22.01.2004 (Annexure P4) by which refixation of pay was done and recovery was ordered to be effected.
2. Reliance in the index of the petition was placed on pendency of CWP-16546-2003 titled as **Darshan Pal vs. State of Punjab and others**, which was admitted on 21.10.2003 and the Division Bench on 06.07.2004 while admitting this petition directed it to be heard along with it and the interim order also in the same terms, which was disposed of vide judgment dated 10.02.2010, relevant of which reads thus:-

“Learned counsel for the petitioner confines his claim qua the recovery only. She has placed reliance on a Full Bench decision of this Court in Budh Ram and others versus State of Haryana and others, 2009 (3) S.C.T.333, to urge that no recovery can be effected from the petitioner.

Learned State counsel, on the other hand, contends that the petitioner was working as a Senior Assistant and he himself being



instrument in getting the monetary benefit, the principles laid down in the afore-stated Full Bench judgment cannot be extended to him.

Having heard learned counsel for the parties at some length and perusal of the record as well as the plea taken by the respondents in their counter-affidavit, I am of the considered view that no recovery can be allowed to be effected from the petitioner. The petitioner had merely represented that one of his juniors was drawing higher pay and on consideration of his representation, the Competent Authority stepped-up his pay in order to bring it at par with his junior. It is not the case of the respondents that junior of the petitioner was not drawing more pay than the petitioner. It was for the Competent Authority to see that it was not a case of any anomaly in pay. The petitioner, therefore, cannot be accused of deliberately misrepresenting the facts in order to gain undeserving benefit.

For the reasons afore-stated, the writ petition is allowed in part to the extent that while re-fixation of the petitioner's pay and withdrawal of the stepping-up benefit, are upheld but the consequential recovery notice is hereby set-aside. It is further directed that if the respondents have already effected any recovery from the petitioner, the same shall be refunded to him within a period of three months from the date of receiving a certified copy of this order. As the petitioner has meanwhile retired from service, his retiral benefits shall also be re-fixed accordingly.

Dasti.”

3. Learned State counsel despite best efforts has not been able to dispute the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.
4. The present petition is disposed of in terms of **Darshan Pal** (supra).

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

**22.04.2025**

ashok

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