

**(2011) 11 P&H CK 0178**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** CWP No. 13308 of 2007 (O and M)

Manmohan Singh

APPELLANT

Vs

Punjab State Electricity Board  
and Others

RESPONDENT

**Date of Decision:** Nov. 9, 2011

**Hon'ble Judges:** Surya Kant, J

**Bench:** Single Bench

**Final Decision:** Allowed

**Judgement**

Surya Kant, J.

The petitioner joined the respondent-Board on work-charged basis w.e.f. 01.04.1977 followed by regularization of his services as an Assistant Lineman w.e.f. 15.09.1979. He is aggrieved by the impugned order dated 11.07.2007 (Annexure P2) vide which recovery is sought to be effected on account of the alleged wrong fixation of his pay.

2. The respondents have filed their counter-reply/affidavit defending the impugned action.

3. It is, however, no-where alleged by the respondents in their reply that the petitioner misrepresented the facts; played any fraud or deceived the authority in order to secure any undeserving monetary benefits.

4. That being the state of affairs, no recovery can be allowed to be effected from the petitioner as ruled by a Full Bench of this Court in Budh Ram & Others vs. State of Haryana & Others, 2009 (3) PLR 511 as well as by the Hon'ble Supreme Court in Registrar, Co-operative Societies Haryana Vs. Israil Khan and Others, .

5. The writ petition is accordingly allowed in part; the impugned order dated 11.07.2007 (Annexure P2) is hereby quashed. The withheld/recovered amount, if any, is directed to be refunded to the petitioner within a period of three months from the date of receipt of a certified copy of this order.

6. Ordered accordingly. Dasti.