

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

Civil Writ Petition No.3269 of 2010

Date of Decision : March 31, 2010.

Bachan Kaur

.....*Petitioner*

versus

State of Punjab and others

.....*Respondents*

CORAM : HON'BLE MR.JUSTICE SURYA KANT.

Present : Mr.A.S.Lauhka, Advocate, for the petitioner.
Ms.Charu Tuli, Sr.Deputy Advocate General, Punjab.
Mr.S.K.Arora, Advocate, for respondent No.4.

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1. *Whether Reporters of Local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

The petitioner is widow of late Sewa Singh, who died in harness while working in the Transport Department, Government of Punjab. The petitioner seeks quashing of the order whereby recovery has been made from the pensionary benefits of her deceased-husband.

During the course of hearing, learned counsel for the parties are *ad-idem* that the controversy involved in this case stands settled by a decision dated 27.5.2009 rendered by this Court in a bunch of writ petitions including ***CWP No.5568 of 2008 (Charan Dass and others versus State of Punjab and others)***, the concluding para whereof reads as follows:-

“In view of the above, the respondents are not entitled to effect any recovery from the petitioners either on account of retrenchment increments or special increments allegedly erroneously given. However, the respondents are entitled to re-fix the emoluments by reducing the special increment only. Consequently, the pay of the petitioners will be re-fixed and in case of those employees who have already retired from service, the retiral benefits shall be released within a period of two months. The petitioners shall also be entitled to interest on the delayed payment of pension/retiral benefits at the statutory rate wherever admissible and at the rate of 6% on pension and other retiral benefits where statutory interest is not provided for. Any amount deducted from the retiral benefits of the salary of the petitioners shall be refunded within the aforesaid period.”

The writ petition is accordingly allowed in terms of the afore-stated decision of this Court in **Charan Dass and others versus State of Punjab and others (Supra).**

Dasti.

March 31, 2010

Mohinder

(SURYA KANT)
JUDGE