

ITEM NO.4

COURT NO.3

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).15535-15536/2013

(Arising out of impugned final judgment and order dated 21-03-2013 in LPA No.743/2010 and LPA No.517/2011 passed by the High Court Of Punjab & Haryana At Chandigarh)

JAGTAR KAUR & ORS.

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

Date : 22-01-2019 These petitions were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. Ashok K. Mahajan, AOR

For Respondent(s) Mr. Ashok Kumar Panda, Sr. Adv.
Ms. Sunita Sharma, Adv.
Mr. R.K. Verma, Adv.
Mr. G.S. Makker, AOR

Mr. R.K. Talwar, Adv.
Mr. Harkesh, Adv.
Mr. Chander Shekhar Ashri, AOR

Ms. Uttara Babbar, AOR
Ms. Bhavana Duhoon, Adv.

Ms. Sushma Suri, AOR (N.P.)

UPON hearing the counsel the Court made the following
O R D E R

We have heard Mr. P.S. Patwalia, learned Senior Counsel appearing for the petitioners and Mr. Ashok Kumar Panda, learned Senior Counsel appearing for the respondents-Union of India and perused the judgment of the learned Single Judge as well as the impugned judgment passed by the Division Bench of the High Court.

In the conspectus of the matter, we are not persuaded to interfere with the impugned judgment passed by the Division Bench of the High Court.

We are, however, informed that five of the petitioners have retired and even received the retiral benefits under the orders of the learned Single Judge of the High Court. It would be too harsh to make them now to remit the amount. Having considered the fact that they are at the post-retiral age, we thus exercise our jurisdiction under Article 142 of the Constitution of India to direct that the amounts already paid to the petitioners would not be sought to be recovered by the respondents.

It is further pointed out to us that some amounts may have been remitted under the orders of the learned Single Judge even to some of the petitioners who are still serving the respondents. We direct that principle of non-recovery will be equally applicable to them.

Subject to the aforesaid directions, these special leave petitions are dismissed.

Pending interlocutory applications, if any, stand disposed of.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR