

ਕੋਰਟ ਕੇਸ / ਮਿਤੀ ਬੱਧ / ਅਤਿ ਜਰੂਰੀ

ਦਫਤਰ ਡਾਇਰੈਕਟਰ ਸਕੂਲ ਸਿੱਖਿਆ (ਸੈਕੰਡਰੀ) ਪੰਜਾਬ, ਐਸ.ਏ.ਐਸ. ਨਗਰ।
(ਅਮਲਾ-4 ਸਾਖਾ)

ਵੱਲ,

ਸਮੂਹ ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈਸਿ), (ਈ ਮੇਲ ਰਾਹੀਂ)

ਮੀਮੇ ਨੰ: 763213/2024/ESTT-4(1)/20252936

ਮਿਤੀ ਐਸ.ਏ. ਐਸ ਨਗਰ: 01.09.2025

ਵਿਸ਼ਾ:- ਸੀ.ਐਮ ਨੰ: 12531 ਆਫ 2025 ਇੰਨ ਸੀ.ਓ.ਸੀ.ਪੀ 5319 ਆਫ 2024 ਇੰਨ
ਸਿਵਲ ਰਿਟ ਪਟੀਸ਼ਨ 22995 ਆਫ 2024 ਇਮਰਾਨ ਹੁਸੈਨ ਅਤੇ ਹੋਰ ਬਨਾਮ
ਪੰਜਾਬ ਸਰਕਾਰ ਅਤੇ ਹੋਰ।

ਹਵਾਲਾ: ਇਸ ਦਫਤਰ ਦੇ ਹੁਕਮ - 763213 ਮਿਤੀ 10.07.2025, 11.07.2025, 14.07.2025,
21.07.2025, 22.07.2025, 24.07.2025 ਅਤੇ ਵਾਰ ਵਾਰ ਦਿੱਤੇ ਗਏ ਟੈਲੀਫੋਨ ਸੁਣੇਸ਼ੇ
ਦੇ ਸਬੰਧ ਵਿੱਚ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਅਤੇ ਹਵਾਲਾ ਅਧੀਨ ਪੱਤਰਾਂ ਦੇ ਸਬੰਧੀ ਆਪ ਨੂੰ ਲਿਖਿਆ ਗਿਆ ਸੀ
ਕਿ ਕੋਰਟ ਕੇਸ ਸੀ.ਐਮ ਨੰ: 12531 ਆਫ 2025 ਇੰਨ ਸੀ.ਓ.ਸੀ.ਪੀ 5319 ਆਫ 2024 ਇੰਨ ਸਿਵਲ
ਰਿਟ ਪਟੀਸ਼ਨ ਨੰ 22995 ਆਫ 2024 ਇਮਰਾਨ ਹੁਸੈਨ ਅਤੇ ਹੋਰ ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ ਅਤੇ ਹੋਰ,
ਕੇਸ ਵਿੱਚ ਮਾਨਯੋਗ ਹਾਈਕੋਰਟ ਦੇ ਹੁਕਮਾਂ ਦੀ ਪਾਲਣਾ ਹਿੱਤ ਸਬੰਧਤ ਪਟੀਸ਼ਨਰਾਂ ਨੂੰ ਬਣਦੇ ਲਾਭ /
ਅਦਾਇਗੀਆ ਰੂਲਾ ਅਨੁਸਾਰ ਤੁਰੰਤ ਪਟੀਸ਼ਨਰਾਂ ਨੂੰ ਜਾਰੀ ਕਰਕੇ ਇਸ ਦਫਤਰ ਨੂੰ ਸੂਚਿਤ ਕਰਨਾ
ਯਕੀਨੀ ਬਣਾਇਆ ਜਾਵੇ ਪਰ ਮਾਮਲਾ ਅਜੇ ਲਮਕ ਅਵਸਥਾ ਵਿੱਚ ਹੈ। ਆਪ ਨੂੰ ਮੁੜ ਹਦਾਇਤ ਕੀਤੀ
ਜਾਂਦੀ ਹੈ ਕਿ ਤੁਰੰਤ ਮਾਨਯੋਗ ਕੋਰਟ ਦੇ ਹੁਕਮਾਂ ਦੀ ਪਾਲਣਾ ਕਰਦੇ ਹੋਏ ਇਸ ਦਫਤਰ ਨੂੰ ਮੁੜਦੀ ਡਾਕ
ਸੂਚਿਤ ਕੀਤਾ ਜਾਣਾ ਯਕੀਨੀ ਬਣਾਇਆ ਜਾਣਾ ਅਤਿ ਜਰੂਰੀ ਸਮਝਿਆ ਜਾਵੇ।

ਇਹ ਕੇਸ ਮਾਨਯੋਗ ਹਾਈਕੋਰਟ ਵਿਖੇ ਮਿਤੀ 05.09.2025 ਨੂੰ ਸੁਣਵਾਈ ਲਈ
ਨਿਸਚਿਤ ਹੈ। ਮਿਥੀ ਪੇਸ਼ੀ ਦੀ ਮਿਤੀ ਤੇ ਜੇਕਰ ਆਪ ਵੱਲੋਂ ਵਰਤੀ ਗਈ ਦੇਰੀ/ਅਣਗਿਹਲੀ ਕਾਰਨ
ਵਿਭਾਗ ਨੂੰ ਕੋਈ ਅਣਸੁਖਾਵੇ ਹੁਕਮਾ (ਕਾਨੂੰਨੀ / ਵਿੱਤ ਐਕੜਾ) ਦਾ ਸਾਹਮਣਾ ਕਰਨਾ ਪੈਦਾ ਹੈ ਤਾਂ ਉਸ ਦੀ
ਨਿਰੋਲ ਜਿੰਮੇਵਾਰੀ ਆਪ ਦੇ ਦਫਤਰ ਦੀ ਹੋਵੇਗੀ।

ਇਸ ਕੇਸ ਵਿੱਚ ਜਿਨ੍ਹਾਂ ਅਧੀਨ ਦਫਤਰ (ਜਿ.ਸਿ.ਅ ਸੈਸਿ) ਵੱਲੋਂ ਮਾਨਯੋਗ ਕੋਰਟ
ਦੇ ਹੁਕਮਾਂ ਦੀ ਪਾਲਣਾ ਨਹੀਂ ਕੀਤੀ ਗਈ ਉਹ ਇਸ ਕੇਸ ਵਿੱਚ ਮਾਨਯੋਗ ਹਾਈਕੋਰਟ ਵਿਖੇ ਪੇਸ਼ੀ
ਦੌਰਾਨ ਹਾਜ਼ਰ ਹੋ ਕੇ ਕੇਸ ਦੀ ਸਥਿਤੀ ਸਪੱਸ਼ਟ ਕਰਨਗੇ।

ਨੱਥੀ:- ਵਿੱਤ ਵਿਭਾਗ ਦੇ ਪੱਤਰ ਮਿਤੀ 28-08.2015/26.10.2016

ਸਹਾਇਕ ਡਾਇਰੈਕਟਰ ਅਮਲਾ- 4 ਸਾਖਾ

ਦਫਤਰ ਸਿਰਾ ਸਿਖਿਆ ਮਾਫਸਾਨੀ ਚਿਠੀ
ਪਿੰਡ ਮਰਦਾਨਾ-ਮ-1/1(1)/2025/790 ਮਿਤੀ-01/09/2025

ਉਪਰੋਕਤ ਦਾ ਉਤਰਾ ਸੰਬੰਧਤ ਸਕੂਲ ਸੁਖੀਆਂ
ਭੇਜੇ ਸਿਖਿਆ ਸਾਲਾ ਉਤਰ ਮੁੱਲ ਮੁਸਾਫਰ ਸਕੂਲ ਸੰਬੰਧਤ ਪਟੀਸ਼ਨ
ਦੀ ਸਹਾਇਤਾ ਕਰਕੇ ਉਪਰੋਕਤ ਵਿਖੇ ਇਸ ਦਫਤਰ ਨੂੰ ਮਿਤੀ 03/09/2025
ਤੇ ਵਿਖੇ ਭੇਜੀ ਜਾਵੇ। ਇਸ ਨੂੰ ਮੁੱਲ ਸਕੂਲ ਸਹਾਇਤਾ ਸਾਲਾ

ਸਿਰਾ ਸਿਖਿਆ ਮਾਫਸਾਨੀ ਚਿਠੀ
11/9/25

No 4/11808-IFPPC/ BGAAB/1/
Government of Punjab
Department of Finance
(Finance Pension Policy & Coordination Branch)
Dated, Chandigarh, the 26 October 2016

To

All Heads of Departments,
Commissioners of Divisions,
Registrar High Court of Punjab and Haryana,
District and Sessions Judges and
Deputy Commissioners in the State

Subject: - Recovery of excess payment made by the employer in view of judgement of Hon'ble Supreme Court of India in case of State of Punjab Vs Rafiq Masih(white washer) and others.

Respected Sir/Madam,

I am directed to invite a reference to Punjab Government letter No.4/11808-1FPPC/575043 dated 28.08.2015 regarding recovery of excess payment made by the employer in view of judgement of Hon'ble Supreme Court of India in its orders dated 18.12.2014 in Civil Appeal No 11527 of 2014 arising out of SLP(C) No. 11684 of 2012 - State of Punjab and others Vs Rafiq Masih(White washer) and others which is read as under.

"It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law"

- (i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).
- (ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.
- (iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.
- (iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.
- (v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.

2. Now, The Hon'ble Supreme Court of India, in its recent orders dated 29.07.2016 in Civil Appeal No 3500 of 2006 - High Court of Punjab and Haryana and others Vs Jagdev Singh, in Para No 10 to 12 of the aforesaid judgement dated 29.07.2016, Apex Court has made the following observations regarding recovery of wrongly paid benefits to employees of the state or its instrumentalities.

10. In State of Punjab & Ors etc. vs. Rafiq Masih (White Washer) etc. the Court held that while it is not possible to postulate all situations of hardship where payments have mistakenly been made by an employer, in the following situations, a recovery by the employer would be impermissible in law:

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service)

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover." (emphasis supplied)."

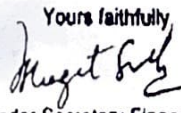
11. The principle enunciated in proposition (ii) above cannot apply to a situation such as in the present case. In the present case, the officer to whom the payment was made in the first instance was clearly placed on notice that any payment found to have been made in excess would be required to be refunded. The officer furnished an undertaking while opting for the revised pay scale. He is bound by the undertaking.

12. For these reasons, the judgment of the High Court which set aside the action for recovery is unsustainable. However, we are of the view that the recovery should be made in reasonable instalments. We direct that the recovery be made in equated monthly instalments spread over a period of two years."

3. In view of the above orders dated 29.7.2016 of Hon'ble Supreme Court of India in Civil Appeal No 3500 of 2006 the principle enunciated in proposition (ii) above cannot apply to a situation where the employee to whom the payment made in the first instance was clearly placed on notice that any payment found to have been made in excess would be required to be refunded in reasonable instalments. In case any employee furnishes an undertaking for refund of any payment if later on found to be excess due to revision of pay scale or otherwise then he is bound by the undertaking.

4. All concerned are hereby requested to take further necessary action as per the directions/orders of the Supreme Court of India in Civil Appeal No 3500 of " recoveries required to be made shall thus be effected after following the due p 2/3

5. Receipt of this communication may please be acknowledged.

Yours faithfully

Under Secretary Finance
R.

No. 4/118/09-1FPPC/ 862281/3

Dated, Chandigarh, the 20 October 2016

A copy is forwarded for information to the:-

1. The Principal Account General (A & E), Punjab, Chandigarh
2. The Principal Accountant General (Audit), Punjab, Chandigarh.

Swarnjit Singh
Superintendent

No. 4/118/09-1FPPC/ 862281/3

Dated, Chandigarh, the 20 October 2016

A copy is forwarded to the:

1. The Chief Secretary to the Government, Punjab;
2. All the Financial Commissioners and Principal Secretaries and Administrative Secretaries to the Government of Punjab;
3. Resident Financial Commissioner, Punjab, Punjab Bhawan Copernicus Marg, New Delhi, for information and necessary action.

Swarnjit Singh
Superintendent

No. 4/118/09-1FPPC/ 862281/4

Dated, Chandigarh, the 20 October 2016

A copy is forwarded to all the District Treasury Officers/Treasury Officers in the State for information and necessary action.

Swarnjit Singh
Superintendent

No.4/118/09-IFPPC/575043/1

Government of Punjab

Department of Finance

(Finance Pension Policy & Coordination Branch)

Dated, Chandigarh, 11th August 2015

To

All Heads of Departments,
Commissioners of Divisions,
Registrar High Court of Punjab and Haryana,
District and Sessions Judges and
Deputy Commissioners in the State.

Subject: - Recovery of excess payment made by the employer in view of judgement of Hon'ble Supreme Court of India in case of State of Punjab Vs Rafiq Masih (white washer) and others

Respected Sir/Madam,

I am directed to invite a reference to Government Order No.4/118/09-1FPPC/1146 dated 05.10.2012 regarding excess payment due to wrong fixation of pay.

2 The Hon'ble Supreme Court of India, in its recent orders dated 18.12.2014 in Civil Appeal No 11527 of 2014 arising out of SLP(C) No. 11684 of 2012 - State of Punjab and others Vs Rafiq Masih (White washer) and others, in Para No 12 of the aforesaid judgement dated 18.12.2014, Apex Court has made the following observations regarding recovery of wrongly paid benefits to employees of the state or its instrumentalities.

"It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. As that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law"

- ✓ (i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).
- ✓ (ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.
- ✓ (iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.
- (iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.
- (v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.

3. In future recovery of excess payment made to the employee is to be regulated as per ratio of the judgement dated 18.12.2014.