

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

CLAIM PETITION NO. 85/DB/2024

Deepak Hatwal, aged about 60 years, S/o late Sri S.P. Hatwal, R/o 114, Van Vihar, Mehuwala, Shimla Bypass Road, Dehradun-248001.

.....Petitioner

versus

1. State of Uttarakhand through its Secretary, Mining, Government of Uttarakhand.
2. Director, General Geology & Mining Directorate, Uttarakhand, Bhopalpani, Dehradun.
3. Director, Geology & Mining Directorate, Uttarakhand Bhopalpani, Dehradun.

..... Respondents

Present: Sri Shashank Pandey, Advocate, for the Petitioner
Sri V.P. Devrani, A.P.O. for the Respondents

Judgement

Dated: 16th July, 2026

By means of present claim petition, the petitioner seeks following reliefs:

“(i) Issue an order or direction to call for records and to quash the order dated 03.07.2024 vide which the entire salary given to the petitioner has been revised (Annexure A1).

(ii) Issue an order or direction to call for records and to quash the order dated 31.07.2024 passed by respondent no. 2 vide which a recovery of INR 34,00,618/- (Rupees Thirty Four Lakhs Six Hundred and Eighteen only) has been order to be recovered from the retiral dues of the Petitioner (Annexure A2).

(iii) Issue an order or direction to call for records and to quash the order dated 23.08.2024 vide which petitioner has been given provisional pension instead of full pension (Annexure A3).

(iv) Issue an order or direction to the Respondents to release the amount of gratuity along with an interest of 8% per annum compounded monthly from the date of retirement of the Petitioner till the date of actual payment.

(v) Issue an order or direction to the Respondents to release the amount of leave encashment along with an interest of 8% per annum from the date of retirement of the Petitioner till the date of actual payment.

(vi) Issue an order or direction to the Respondents to release the amount of GIS along with an interest of 8% per annum from the date of retirement of the Petitioner till the date of actual payment.

(vii) Issue an order or direction to the Respondents to release the remaining 10% of GPF along with an interest of 8% per annum from the date of retirement of the Petitioner till the date of actual payment.

(viii) Award a compensation of INR 1,00,000/- for the delayed payment of pension for breach of Article 21 of the Constitution of India.

(ix) To put an exemplary cost on the respondents.”

2. Petitioner was appointed as Technical Assistant (Geology) vide order dated 17.04.1989 in the pay scale of Rs. 625-1240 in 4th Pay Commission. The salary of the petitioner was upgraded to Rs. 2200-4000 from the date of joining by an office order dated 09.11.1989. This increase in salary was due to interim order passed by the Hon’ble Allahabad High Court in writ petition no. 6250/1983. The increase in salary was conditional with the following conditions:

i. An affidavit to be provided that in case of an adverse final order, the entire excess money paid will be returned.

ii. A bond of Rs. 5,000/- be provided as security.

2.1 The petitioner was allocated State of Uttarakhand after the bifurcation of the State of Uttar Pradesh. Petitioner retired from the post of Deputy Director/Geologist, Directorate of Geology & Mining, Uttarakhand on 31.01.2024. After his retirement, when the petitioner did not receive his retiral dues including Pension, Gratuity, GIS, Leave Encashment etc., the petitioner approached his office, only to be informed that the case on the basis of which he had

received higher salary was dismissed and the excess amount given to the petitioner will be recovered from the petitioner.

2.2 Section 4(6) of the Payment of Gratuity Act, 1972, which provides for the exceptions as to when the gratuity may not be payable. Section 4(6) of the Act is as under:

“(6) Notwithstanding anything contained in sub-section (1),-

(a) the gratuity of an employee, whose services have been terminated for any act, willful omission or negligence causing any damage or loss to, or destruction of, property belonging to the employer, shall be forfeited to the extent of the damage or loss so caused;

(b) the gratuity payable to an employee may be wholly or partially forfeited] - (i) if the services of such employee have been terminated for his riotous or disorderly conduct or any other act of violence on his part, or

(ii) if the services of such employee have been terminated for any act which constitutes an offence involving moral turpitude, provided that such offence is committed by him in the course of his employment.

.....”

2.3 Section 4(6) of the Gratuity Act, 1972, would reveal that the petitioner does not fall within the terms of the said section so there was no reason to not to grant the gratuity to the petitioner. Petitioner only received 90% GPF after his retirement and no other retiral dues were given to him. No notice has been given to the petitioner before reducing his salary. Petitioner made various representations dated 15.04.2024, 06.06.2024, 02.08.2024, 06.08.2024, 12.08.2024 and 23.08.2024 but to no avail.

Hence, this claim petition.

3. The claim petition has been contested on behalf of the respondents. Respondents have filed counter affidavit denying the material averments contained in the claim petition. Relevant documents have been filed by the respondents. Counter affidavit has been filed mainly stating that:

3.1 Petitioner (Dr. Deepak Hatwal) was initially appointed on the post of Technical Assistant Geology in the pay scale Rs. 625-1240 (revised pay scale 1600-2660) on 17.04.1989 and he joined the services on 21.04.1989 in the Mining department of the erstwhile State of U.P. The petitioner got superannuated from the post of Deputy Director/ Geologist with pay scale Rs. 15600-39100 grade pay Rs. 7600/- on 31.01.2024 from the Directorate of Geology and Mining, Uttarakhand. The service book of the petitioner was sent to the Finance controller of the department for verification of pay fixation orders granted to the petitioner time to time in the entire course of the service as per prevailing orders of the Government.

3.2 Verification of the service book by the finance controller brought to light the fact that the petitioner was granted the benefit of pay scale of Rs. 2200-4000/- in place of the pay scale Rs. 1600-2660/- in compliance of the interim order dated 14.05.1986 passed by the Hon'ble High Court of Allahabad in writ petition No. 6250/83 Technical Assistant Association vs. State of U.P. & others.

3.3 In compliance of the above-mentioned Interim Order dated 14.05.1986 the State of U.P had given the pay scale of Rs 2200-4000/- in place of the pay scale Rs 1600-2660/- to the Technical Assistants vide office order no. 2945 dated 09.11.1989 from the date of joining under the following conditions:-

- i. The beneficiary member will have to submit an affidavit in the attached format, verified as per rules, before the Directorate to the effect that if the final decision of the Hon'ble High Court is against its interim order, then the excess amount paid as a result of the approval of salary in the above pay scale and the

allowances admissible thereon will be returned within 02 weeks.

- ii. The beneficiary member will mortgage National Saving Certificates worth Rs. 5000.00 (five thousand) in favour of the Directorate as security.
- iii. If the beneficiary member wishes to leave the service of the Directorate, then he will have to deposit an amount equal to the amount paid in excess in view of the interim order of the Hon'ble High Court in the form of General Provident Fund/Guarantee National Saving Certificates or both at the time of relieving him from duty till the decision of the Hon'ble High Court. If the decision is in favour of the beneficiary members, the said deposited amount will be returned directly to them.

3.4 Hon'ble High Court of Allahabad finally disposed of the Writ petition No. 6250/1983, Technical Assistant Association vs. State of UP & others on 14.07.1999 the operative portion of which is reproduced below :-

“For decision of the controversy involved in the present case, several questions of fact will have to be seen, Said questions can more appropriately be dealt with and decided with the help of service record of the petitioners as well as Scientific Assistants and other employees of the State Govt. Therefore, in our opinion, it will meet the ends of justice, if we direct respondent no. 1 to look into the matter, taking into consideration the pay Commissions reports submitted during the pendency of the present petition, as well as the report of the anomaly committee, if any, as also the recommendations of the Programming Board, and other relevant rules and regulations, and to decide as to whether the petitioners were entitled to the pay scales at par with the pay scales of Scientific Assistants and other similarly situated employees of the State Govt., within a period of two months from the date a certified copy of this order is communicated to the respondent no. 1. Petitioners may also

be afforded opportunity of hearing or to explain their case, before the final order is passed by the said respondent: It is ordered accordingly. With these observations and directions, this petition stands finally disposed off.”

3.5 In compliance with the above-mentioned final order of the Hon'ble High Court dated 14.07.1999, the U.P. Government found that there was no justification for providing the pay scale of Rs. 2200-4000/- instead of Rs. 1600-2660/- to the Technical Assistants working in the State's Geology and Mining Department and the demand of the Technical Association for providing the pay scale of Rs. 2200-4000, equivalent to the pay scale of Scientific Assistants existing in other departments, was rejected vide Office Memorandum No. 791 dated 09.05.2002 of Industrial Development Section-5 of the Government of Uttar Pradesh.

3.6 The newly created State of Uttarakhand Directorate was not aware about the final order passed in Writ Petition No. 6250/83 Technical Association vs. State of Uttar Pradesh and others and the action taken in this regard. Letters were sent to the Director, Directorate of Geology and Mining, Uttar Pradesh, Mineral Bhawan, Lucknow vide Directorate's letter No. 5904 dated 05.02.2024 and letter No. 6593 dated 05.03.2024 for confirmation regarding whether the said pay scale of Rs. 2200-4000 given to Dr. Hatwal under the interim orders of the Hon'ble High Court has been kept unchanged or any change has been made in it.

3.7 In continuation of the above mentioned letters of the Directorate, it has been informed by the letter No. 336/E-Misc/2024 dated 09.05.2024 (Annexure-8) of the Director, Directorate of Geology and Mining, Uttar Pradesh, Khanij Bhawan, Lucknow that "In compliance with the final decision/order of the Hon'ble High Court, after consideration, the administration did not find the justification for higher pay scale to the Technical Assistants and ordered to pay them salary in the pay scale of their post of Rs. 1600-2660. In this sequence, the amount overpaid has been recovered

from the concerned personnel viz. late Vijay Kumar, Technical Assistant (Geology) by the Directorate's office order number 3071/EPF dated 17 February, 2023, Shri Anurag Kumar Srivastava, Assistant Geologist by office order number 715/EPF dated 19.06.2017, Shri GP Singh, Geologist by office order number 915/EPF dated 11.07.2017 and Shri Raghvendra Saxena, Geologist by office order number 714/EPF dated 20.06.2017.

3.8 In view of the report provided by the Director, Directorate of Geology and Mining, Uttar Pradesh, Khanij Bhawan, Lucknow, vide the said letter dated 09.05.2024, it was ordered to pay scale of Rs 1600-2600 to the Technical Assistants and the excess amount paid has also been recovered from the concerned personnel. Subsequently the pay scale of Dr. Hatwal was fixed at Rs. 1600-2660 instead of Rs. 2200-4000 from the date of appointment of Dr. Hatwal on 21.04.1989, and accordingly excess amount was calculated and the pay of Dr. Hatwal was re-determined by the Directorate's office vide order number 1834/St./PF/Land Mining Directive/2023-24 dated 03 July, 2024. Accordingly, the case was made available to the departmental disbursing officer for sending Dr. Hatwal's pension form to the Directorate, Treasuries, Pension and Entitlement, Dehradun through the disbursing officer. Also, on the request of Dr. Hatwal, provisional pension was sanctioned in favour of Dr. Hatwal for six months from 01.02.2024 to 31.07.2024 by the Directorate's office vide order dated 23.08.2024 and by office order dated 23.08.2024 from 01.08.2024 to 31.01.2025 or till the final pension is sanctioned, whichever is earlier. Regarding recovery from the pension dues of Dr. Hatwal as mentioned above, the Drawing Disbursing Officer vide his letter dated 24.09.2024, after deducting Rs. 24,00,618.00 from the gratuity amount, the remaining amount of Rs. 10,00,000.00 was deducted in the encashment of Dr. Hatwal's 300 days earned leave.

3.9 Orders dated 03.07.2024, dated 31.07.2024 and dated 23.08.2023 were challenged by the petitioner before the Hon'ble

Tribunal in claim petition no. 85/2024 Deepak Hatwal vs. Uttarakhand State and others in which the Hon'ble State Public Service Tribunal Dehradun, passed an interim order on 04.10.2024, the operative portion of which is as hereunder:-

“19. Application of the petitioner, to the extent of seeking interim relief against recovery of Rs- 3400618/- is allowed. Objections thereon are rejected subject to filing detailed Counter Affidavit, when the claim petition shall be heard finally, in due course.

20. Without prejudice to rival contentions, recovery of Rs- 34,00,618/- from the petitioner is hereby stayed till further orders of the Tribunal.

21. Interim relief application and objections thereon are, accordingly. disposed of.

22. Counter Affidavit may be filed by the respondents on or before 28-11-2024.”

3.10 The State of Uttar Pradesh was requested about the status in respect of Dr. Hatwal. The State of Uttar Pradesh informed that in compliance of the order of the Hon'ble High Court and after consideration by administration, it was found that there was no justification to pay the high salary to Technical Assistants. Accordingly, order to recover the overpaid amount had been issued. The State of Uttarakhand issued order dated 03.07.2024 to refix the pay scale and recover the amount from the gratuity and leave encashment to be paid to the petitioner.

3.15 The proceedings of recovering the amount was stayed in view of interim order dated 04.10.2024 passed by the Hon'ble Uttarakhand Public Service Tribunal, Dehradun in claim petition no. 85/2024, Dr. Deepak Hatwal vs. State of Uttarakhand and others. In the tax case, the status quo has been maintained till the final decision passed by the Public Service Tribunal and the Tribunal had directed to file the required detailed affidavit within the prescribed

time. The Hon'ble Tribunal in its para no. 23 of the interim relief order dated 04.10.2024 has also upheld that there is no embargo on the respondent department against correct fixation of pay even after retirement, as per the decision rendered by Hon'ble High Court of Judicature at Allahabad on 17.12.2018 in Writ -A No. 26639/2018, Smt. Hasina Begum vs. Purvanchal Vidyut Vitran Nigam Ltd, Prayagraj and 02 others [Citation2018:AHC:204373} and decision rendered by the Hon'ble Supreme Court in Civil Appeal No.1985 of 2022, the State of Maharashtra and another vs. Madhukar Antu Patil and another, on 21.03.2022. Hence the correct pay fixation order dated 03.07.2024 legally requires no interference. Hence the claim petition filed against the respondent dated 03.07.2024, 31.07.2024 & 23.08.2024 has no legal force and being devoid of any legal merit same is liable to be dismissed.

4. R.A. has been filed by learned Counsel for the petitioner denying the averments contained in the counter affidavit and stating that the petitioner was allocated to State of Uttarakhand from the appointed date i.e. 09.11.2000. The actions taken by the Government of Uttar Pradesh were no longer binding on the petitioner. Government of Uttarakhand cannot blindly follow every action of Government of Uttar Pradesh, further since the Government of Uttarakhand is taking action detriment to the petitioner. Provision of Section 74 will be attracted which is as under:

"Provided that the conditions of service applicable immediately before the appointed day in the case of any person deemed to have been allocated to the State of Uttar Pradesh or to the State of Uttaranchal under section 73 shall not be varied to his disadvantage except with the previous approval of the Central Government"

4.1 The Government of Uttar Pradesh had taken action on the order of the High Court after creation of State of Uttarakhand and thus action taken by the Government of Uttar Pradesh is not applicable on the petitioner. However, it is worth mentioning that

even after the directorate came to know about the order of Hon'ble High Court, in 2024, the Directorate has instead of following the order of the Hon'ble Court has followed action taken by the government of Uttar Pradesh, without any application of its own mind.

5. We have heard learned Counsel for the parties and perused the documents carefully.

6. Learned Counsel for the petitioner has filed written submissions and argued the case.

6.1 Admittedly, the petitioner was appointed as Technical Assistant (Geology) by order dated 17.04.1989 in the pay scale of Rs. 625-1240. His pay was upgraded to Rs. 2200-4000 vide office order dated 09.11.1989, from the date of joining in pursuance to interim orders passed in Writ Petition No. 6250 of 1983 by the Hon'ble High Court of Allahabad. The petitioner was allocated to the State of Uttarakhand after bifurcation, and retired on 31.01.2024 as Deputy Director/Geologist.

6.2 Learned Counsel for the petitioner argued that respondents retrospectively revised/refixed his pay from 1989 after retirement vide dated 03.07.2024. By order dated 31.07.2024, recovery of Rs. 34,00,618/- was directed from his retiral dues. By order dated 23.08.2024, he was granted provisional pension instead of full pension and the respondents passed the orders based on the judgement dated 14.07.1999 of the Hon'ble High Court of Allahabad and order dated 09.05.2002 of U.P. Government without notice, hearing, disclosure of material. The undertaking given by the petitioner in the beginning of his service career does not authorize the State to dispense with natural justice, bypass a Court-directed procedure, or retrospectively refix pay after 35 years behind the back of the employee. A contractual or departmental undertaking cannot override Article 14, Article 300-A, statutory

protection under the Reorganisation Act, or a binding judicial direction.

6.3 The Hon'ble High Court of Allahabad directed the competent authority to examine the matter on relevant materials and to afford opportunity before taking a decision but the State of Uttarakhand did not follow the procedure and proceeded as if the Hon'ble High Court finally declared that the petitioner was not entitled to the pay scale and that recovery must automatically follow. This is violation of the judgement of the Hon'ble Apex Court in Chandra Kishore Jha vs. Mahavir Prasad, (1999) 8 SCC 266, which holds that where a thing is required to be done in a particular manner, it must be done in that manner and no other way. Therefore, the recovery ordered by the respondents has been done without following the prescribed procedure.

6.4 The recovery order issued by the Respondents is against the order of the Hon'ble Apex Court in the matter of State of Punjab and others vs. Rafiq Masih (Whitewasher), (2015) 4 SCC 334, as the recovery has been ordered against a retired employee and recovery of the alleged excess payment made for more than five years before the recovery order. The alleged excess payment has not been caused by fraud/misrepresentation by the petitioner but by respondent's wrong interpretation, this has been affirmed by the Hon'ble Apex court in the matter of Thomas Daniel v. State of Kerala, 2022 SCC OnLine SC 536. No notice for hearing was given before the order for recovery of Rs. 34,00,618/- from gratuity/leave encashment issued by the respondents.

6.5 Learned Counsel for the petitioner further argued that it was not the petitioner's duty to inform the department about the decision of the Hon'ble High court of Allahabad and the order of the Govt of Uttar Pradesh. The department was itself party to the litigation through the State of U.P and had counsel, files, service records, pay fixation orders, and custody of the litigation record. The

burden of implementing the Court's order lay on the State, not on an individual employee. This is more so because the petitioner was never a party to the litigation, having been appointed only in 1989.

6.6 The State of Uttarakhand has implemented the order of U.P. passed in 2002 after the Uttarakhand created from State of U.P. without getting the approval of the Central Govt. as laid down in the state Reorganization Act 1974. The authority cannot take advantage of its own failure as it is well settled in *Kusheshwar Prasad Singh v. State of Bihar*, (2007) 11 SCC 447.

6.7 The allegation of the State that the petitioner has suppressed the facts and did not show the judgement of the Hon'ble High Court of Allahabad in 1999 or order of the Govt. of U.P. is mere suspicion. No misrepresentation or suppression has been made by the petitioner. Hence, the impugned orders are liable to be quashed and the Claim petition is liable to be allowed.

7. Learned APO argued that the petitioner was appointed on the post of Technical Asstt. in the scale of Rs. 1600- 2660 on 09/11/1989. He was given an upgraded pay scale of Rs. 2200-4000/- by the department on the interim order dated 14.05.1986 of the Hon'ble High Court of Allahabad in the writ petition 6250 of 1983. The petitioner submitted the undertaking that amount will be recovered from him subject to the final decision of the Hon'ble High Court in the above writ petition.

7.1 The writ petition was decided by the Hon'ble High court vide order dated 14.07.1999 and the department of Geology and Mines, Uttar Pradesh accordingly reverted the petitioners to the original pay scale of 1600-2660/- vide order dated 09/05/2002. There was no information available with the Govt. of Uttarakhand in respect of the order of the Hon'ble High Court of Allahabad and the subsequent order of the department of Mines and Geology of Uttar Pradesh. It was only after objection in the service book was raised by the Directorate, Pension that there was an order related to

payment of the higher Pay Scale to the petitioner and its conditions. The Uttarakhand Government requested the Government of U.P. about the final decision of the Hon'ble Allahabad High court in the matter, Government of U.P. appraised the Government of Uttarakhand about the matter and the decision taken by the Govt. of Uttar Pradesh on the final decision of the Hon'ble High Court of Allahabad. The petitioner was reverted to the pay scale of Rs. 1600-2660 from the date of joining. It was incumbent upon the petitioner to inform the final order of the Hon'ble High Court of Allahabad and subsequently to refix the pay scale of the petitioner.

7.2 Learned A.P.O. has further argued that the pay scale of the petitioner on the date of superannuation was fixed in the scale of Rs. 1600-2660. Excess amount paid to him has been calculated and ordered to be recovered from the gratuity amount and the leave encashment to be paid to the petitioner.

7.3 Learned A.P.O. further argued that the Uttarakhand Government cannot reduce the Pay Scale of the petitioner on the basis of the order of the Govt. of Uttar Pradesh without adopting it. Even the Government of Uttarakhand cannot suo moto implement the order of the Hon'ble High Court of Allahabad in this matter. The contention of the learned Counsel for the petitioner is not acceptable as petitioner had given the undertaking that excess amount of salary drawn by him after interim order of the Hon'ble High Court of Allahabad is refundable by him if the final order of the Hon'ble Court is against the petitioner. Hence, the said condition is binding upon the petitioner as per the Principle of Estoppel and Principle of Acquiescence. The amount of Rs. 3400618/- has been ordered to be recovered from the petitioner as he had the knowledge of the condition on the basis of which the excess payment has been made to him. The Govt. of U.P. has granted the higher pay scale to the petitioner on the order of the Hon'ble High Court of Allahabad. The plea of the learned Counsel of the petitioner that the recovery cannot be made from the retiral dues of the petitioner is not

acceptable as pleaded by learned Counsel for the petitioner that it is covered under judgement of Hon'ble Apex Court in State of Punjab and others vs. Rafiq Masih (*supra*).

Learned APO has relied on the following judgments of the Hon'ble Apex Court:

I) *State of Madhya Pradesh Vs. R D Sharma in the Civil Appeal Nos 474-475 of 2021 in which the Hon'ble Apex Court has mentioned that the equation of post and determination of pay scales is primary function of executive and not the judiciary*

II) *South eastern Coal field Ltd Vs State of MP and others on 13th October 2003 in which the Hon'ble Apex Court held that the validity of the interim order passed in favor of a party stands reversed in the event of the final decision going against the party successful at the interim stage.....*

In view of the facts mentioned and the judgement of the Hon'ble Apex Court, the benefit given to the petitioner by interim order of the Hon'ble High Court of Allahabad stands withdrawn after the final order in the writ petition No. 6250 of 1983 and the decision of the Govt. of Uttar Pradesh dated 9th May 2002. Hence the claim petition is liable to be dismissed.

8. Based on the arguments of the parties and the documents presented before the Tribunal, the Tribunal finds that the petitioner was granted higher pay scale of Rs. 2200-4000/- on interim order of the Hon'ble High Court of Allahabad till the final decision. It was a condition specifically mentioned in the interim order of the Hon'ble High Court dated 14.05.1986 that "... their salary in the scale of Rs 850-1720 subject to the condition that in case it is ultimately found that they are not entitled to this scale of pay they should be liable to refund the amount which they might have drawn". The Hon'ble High Court of Allahabad finally disposed of the

writ petition on 14/7/1999 and the government of Uttar Pradesh cancelled the order of sanction of Higher pay scale of Rs. 2200-4000 on 09/05/2002 after following the instructions contained in the final order of the Hon'ble High Court.

The petitioner submitted an undertaking to the department before he was granted higher pay scale that in case the writ petition is dismissed, the excess amount will be refunded by him. The Hon'ble High Court has disposed of the writ petition with some instructions to the respondents. The State of U.P. subsequently issued the order dated 9th May 2002 that there was no justification to sanction pay scale equivalent to the Scientific Asstt. to the petitioner. Therefore, as per the undertaking submitted by the petitioner, the petitioner is liable to refund the excess amount paid to him on reversion to lower scale of Rs. 1600-2660.

In view of the above, it is clear that the petitioner was well aware of the order of Hon'ble High Court of Allahabad dated 14.07.1999 as well as the order of the Govt. of U.P. regarding the final order of the Hon'ble High Court of Allahabad dated 14.05.1986, but the petitioner never informed the department regarding reversion of his pay scale. The petitioner, at the time of joining, had given undertaking that excess amount drawn by him will be refunded in case the decision of the Hon'ble High Court of Allahabad goes against him, which he did not comply here. Now, he is taking shelter of the judgement of Hon'ble Apex Court in the case of State of Punjab and others vs. Rafiq Masih, (2015) 4 SCC 334, to avoid the recovery of excess amount is not acceptable here as the petitioner himself was in the knowledge of excess amount he had drawn since his joining and Govt. of U.P. also had the knowledge of this excess payment, which was given to the petitioner on the order of the Hon'ble High Court of Allahabad. The order of the respondents for recovery of excess payment of Rs. 34,00,618/- from the retiral dues of the petitioner is hereby upheld. There is no bar to refix the salary of the petitioner correctly by the

respondents in view of the judgements of the Hon'ble High Court of Judicature at Allahabad on 17.12.2018 in Writ -A No. 26639/2018, Smt. Hasina Begum vs. Purvanchal Vidyut Vitran Nigam Ltd, Prayagraj and 02 others [Citation2018:AHC:204373] and decision rendered by the Hon'ble Supreme Court in Civil Appeal No.1985 of 2022, the State of Maharashtra and another vs. Madhukar Antu Patil and another, on 21.03.2022.

Hence the claim petition is liable to be dismissed.

ORDER

The Claim petition is dismissed. No order as to cost.

(RAJENDRA SINGH)
ACTING CHAIRMAN

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

DATE: 16th JULY, 2026.
DEHRADUN

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