

CWP No. 14425 of 2013

-:1:-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 14425 of 2013

Date of decision : 08.01.2015

Manfool Singh

..... Petitioner

Versus

UHBVNL and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present:- Mr.Jagbir Malik, Advocate
for the petitioner.

Mr. P.S.Poonia, Advocate
for the respondents.

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner does not press against recovery of telephone bills and on account of stoppage of one increment, made vide order dated 03.09.2012, i.e. the two heads given at Serial Nos. 2 & 4 of the table in para no. 3 of the written statement filed by the respondent-Corporation. As regards the recovery of the other amounts mentioned at Serial Nos. 1 and 3 of the said table, he relies upon a judgment of the Hon'ble Supreme Court in **State of Punjab and others etc. Vs. Rafiq Masih (White Washer) etc. (Civil Appeal No. 11527 of 2014)**, decided on

18.12.2014, to submit that no recovery of excess payment can be made from an employee after he has retired.

Learned counsel for the respondents, though otherwise opposes the petition, on the ground that the petitioner was guilty of causing loss and was also given excess pay during his service tenure, which should be recovered, could not dispute the ratio of the aforesaid judgment, especially in view of the fact that no charge sheet was admittedly ever issued to the petitioner, in respect of recovery sought to be made from him for missing parts of transformers, i.e. the recovery described at Sr. No. 3 of the aforesaid table.

Consequently, the petition is allowed to the above extent and the amount withheld from the retiral benefits of the petitioner, except as are given at Serial Nos. 2 and 4 of the aforesaid table, shall be paid to the petitioner, along with interest @ 6% per annum from 01.12.2011, i.e. date immediately after the date of retirement of the petitioner, till the date such payments are actually made to him, which shall be made within 2 months from the date of receipt of a certified copy of this order.

08.01.2015

amit rana

**(AMOL RATTAN SINGH)
JUDGE**