

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 17267 of 2013(O&M)
Date of Decision : 21.05.2015

Raghubir Singh

..... Petitioner

vs.

Dakshin Haryana Bijli Vitran Nigam Ltd. & Ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. R.A.Sheoran, Advocate
for the petitioner.

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

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?

Ajay Tewari, J.(Oral)

By this petition the petitioner has challenged the impugned order dated 21.12.2012 (Annexure P-2).

On 14.10.2014 the following order was passed :-

“Learned counsel for the petitioner relies upon instructions dated 18.4.1991 (Annexure R-4/1) to contend that an amount of Rs.54641/- reflected at serial No.2 in communication dated 20.9.2012 (Annexure R-4/2) and an amount of Rs.1,07,197/- reflected at serial No.2 of No Demand Certificate could not have been recovered from the petitioner, because admittedly no enquiry was conducted.

Faced with the above, learned counsel for the respondents seeks time to get instructions as to whether the respondents are ready to re-consider the matter in view of the abovesaid instructions.

On his request, adjourned to 20.11.2014.”

Today learned counsel for the respondents states that though he has not received any instructions in the matter but he is not in a position to deny the factual averment made in the said order. In the circumstances it has to be said that the recovery made from the petitioner is illegal in view of the Annexure R-4/1 and consequently the recovery orders passed against the petitioner have to be set aside. However that would not entitle the petitioner to claim that the entire amount should be refunded to him but this order has been set aside with liberty to the respondents to pass a fresh order after complying with the instructions Annexure R-4/1. Since the petitioner is a retired employee, respondents are directed to conclude the proceedings within a period of four months from the date of receipt of a certified copy of this order (subject to the petitioner co-operating with the same).

No other argument has been raised by the learned counsel for the petitioner.

Petition stands disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

May 21, 2015
Sanjiv/Pooja Sharma-I