

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CWP No.19506-2013
Date of Decision: 25.08.2015**

URMILA RANI

....Petitioner.

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM LTD AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Sandeep Kotla, Advocate,
for the petitioner.

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

P.B BAJANTHRI, J. (Oral)

The present petition has been filed for issuance of a writ in the nature of mandamus, directing the respondents for payment of interest on delayed payment of pension and other pensionary benefits of late Sh. Sham Chand along with payment of illegal recovery of Rs. 7,88,197/- made from the pensionary benefits with interest @ 18 % per annum from the date of retirement till realization.

The petitioner is stated to have been appointed as an Assistant Lineman on 08.06.1967. He was promoted to the post of Junior Engineer in the year 2004. He attained the age of superannuation and retired from service on 31.08.2006. At the time of settlement of pension, he was initially paid 75% of provisional pension and, thereafter, in installments other benefits have been settled, however, a deduction of Rs.7,88,197/- was made without holding any inquiry. Thus, the petitioner is before this Court.

Learned counsel for the petitioner contends that deceased

employee had retired on 31.08.2006 but his pensionary benefits have not been settled timely and further a deduction of Rs. 7,88,197/- has been made in the absence of any disciplinary proceedings.

Per contra learned counsel for the respondents fairly concede that no inquiry was held before deduction of Rs.7,88,197/- from the deceased late Sh. Sham Chand.

Heard learned counsel for the parties.

Petition is to be allowed on the short ground that no inquiry was held while late Sh. Sham Chand was in service. If any recovery is to be made, it should be determined in a departmental inquiry. In the present case, without determining the amount in a full-fledged inquiry, the respondents have deducted a sum of Rs. 7,88,197/- from late Sh. Sham Chand, which is impermissible.

Accordingly, the writ petition is allowed and the respondents are directed to release the deducted amount of Rs. 7,88,197/- along with 9 % interest per annum from the date it was deducted till realization.

The aforesaid exercise shall be done by the respondents within a period of **six weeks** from the date of receipt of certified copy of this order.

25.08.2015

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(P.B BAJANTHRI)
JUDGE