

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CWP No. 6264 of 2012 (O&M)

Date of decision: 12.05.2015

Niranjan Kumar Sharma

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. G.K. Chawla, Advocate for the petitioner.

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

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**Jitendra Chauhan, J. (Oral)**

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioner seeks quashing of the impugned recovery of Rs. 46519/- made from gratuity payment and Rs. 50731/- deducted from the leave encashment of the petitioner and for issuance of directions to the respondents to refund the above said amount along with interest @ 24% p.a., and further to pay other benefits as admissible to the petitioner.

It is contended that earlier the petitioner had approached this Court by filing CWP No. 1458 of 2010, wherein he had averred that personal hearing was not granted to the petitioner. In pursuance of the order passed by this Court, the competent authority, after affording an opportunity of personal hearing, passed the order dated

31.12.2009. It is also reflected in the order that the petitioner does not have any grouse against the order passed by the Chief Engineer (Operation) UHBVN dated 31.12.2009, with regard to recovery of amount equal to one annual increment.

From the perusal of record, it emerges that on the basis of show cause notice, Rs. 46519/- and Rs. 50,731/- were ordered to be recovered. Without going to the merits of the case, at this stage, this Court feels that the above two recoveries made by the respondents are not sustainable. There is no order of recovery on record. Accordingly, keeping in view the facts and circumstances of the case, the present petition is disposed of with a direction to the respondents to re-examine the case of the petitioner after following the due procedure and re-determine the case of recovery of Rs. 46519/- and Rs. 50,731/-. The necessary exercise be completed within a period of six months from the date of receipt of certified copy of this order. However, so far as the order dated 31.12.2009 (Annexure P-1) is concerned, the same is without any defect and same is hereby approved.

Disposed of.

12.05.2015

*sumit.k*

**(JITENDRA CHAUHAN)**  
**JUDGE**