

CWP No. 4000 of 2014 (O&M)

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

CWP No. 4000 of 2014 (O&M)

Date of decision : 08.01.2015

Ram Mehar Mor

..... 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)

CM No. 177 of 2015:-

CM is allowed.

Written statement filed on behalf of respondents No. 1 to 6,
alongwith Annexures R-1 and R-2, is taken on record.

Main Case:-

In this petition, the petitioner seeks release of the unpaid part of
his retiral dues, which are stated to have been withheld on account of
recoveries claimed by the respondents to be pending against him, in respect

of shortage of transformer oil and missing parts (amounting to Rs. 1,59,747/-), as also on account of excess payment of salary, to the tune of Rs. 52,002/-, during his service career.

Admittedly, no show cause notice was issued to the petitioner, or disciplinary proceeding initiated against him, with regard to any shortage of transformer oil and missing parts for which the recovery is sought to be made from him.

As such, in view of the fact that basic principles of natural justice were never adhered to, as also the fact that as per the ratio of the 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, no recovery can be made from a retired employee, unless it is pursuant to disciplinary proceedings, this petition is allowed. The petitioner be paid the aforesaid amounts as have been withheld from his retiral dues, along with interest, to be calculated @ 6% per annum, from 01.04.2013, i.e. one day after his retirement, till the date that actual payment is made to the petitioner. Payment of the amounts due, 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**