

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

CWP-8594-2014 (O&M)
Date of decision : 26.05.2015

Suraj Bhan

...Petitioner

V/S

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Goyal, Advocate for the petitioners

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

JITENDRA CHAUHAN, J. (Oral)

Prayer in the present petition filed under Articles 226 and 227 of the Constitution of India is for issuance of direction to the respondents to release the remaining 25% pension, amount of gratuity and computation etc. along with interest @24% per annum.

Learned counsel for the petitioner contends that the petitioner retired from the service of respondents on attaining the age of superannuation on 30.04.2012 without any chargesheet, notice or any inquiry. Recovery has been effected from the pension of the petitioner without calling any procedure.

On the other hand, the learned counsel for the corporation submits that recovery has been effected from the pension of the petitioner as he had not returned seven damaged transformers, detailed

in Annexure R5/2. The list of shortage of T/F Oil and parts for the year 2012-13 at Annexure R5/3.

Heard.

Learned counsel for the respondents is unable to controvert the assertion raised by the learned counsel for the petitioner that any inquiry was ever conducted. But he states that show cause notice was served upon the petitioner.

In view of the fact that no inquiry was conducted, recovery order cannot be passed against the petitioner.

In these circumstances, this petition is disposed of with a direction to the respondents not to recover the amount from the pension of the petitioner. However, the respondents shall be at liberty to issue show cause notice and take necessary action in accordance with law.

Keeping in view the fact that the petitioner is a retiree, the necessary exercise be completed expeditiously preferably within 6 months from the receipt of certified copy of this order.

26.05.2015

ashok

(JITENDRA CHAUHAN)
JUDGE