

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

**CWP No.17915 of 2014 (O&M)
Date of Decision: 21.10.2016**

Davinder Singh

.... Petitioner

vs.

Punjab State Power Corporation Limited and Others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr.V.K. Shukla, Advocate for the petitioner
Mr. G.S. Ghuman, Advocate for the respondents

Kuldip Singh J.(Oral)

The short controversy in the present case is that vide order dated 9.8.2012 (Annexure P-1), a sum of Rs.3,03,838/- was withheld. In pursuance to the order passed by this Court on 4.8.2015, half of the amount of gratuity i.e. sum of Rs.3,09,350/- has been released and balance amount has not been paid.

It comes out that if there is some shortage, no amount can be withheld unless a show cause notice is given to the petitioner and he is heard.

Learned counsel for the petitioner referred to Annexure P-5, wherein it is held that after claiming the amount of shortage mentioned in the account of the employee, the same be paid to him because the retiree has not caused any loss to the department.

As such impugned order dated 9.8.2012 (Annexure P-1) is quashed.

However, it is observed that if the respondent-department finds that there is some shortage, for which the recovery is to be effected from petitioner, it shall always be at liberty to initiate the departmental proceedings to effect the recovery.

The present writ petition is accordingly allowed.

21.10.2016
gk

(Kuldip Singh)
Judge

Whether speaking / reasoned	Yes
Whether reportable	No