

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

CWP No.17943 of 2016

Date of Decision: 01.09.2016

Tara Chand

....Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Limited and
others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Harish Nain, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

The prayer in the present petition is for issuance of a writ in the nature of *mandamus* directing the respondents to release the with-held amount of ₹ 3,89,386/- of retiral benefits along with interest @ 18% per annum from the date of his retirement on account of shortage of Oil and missing parts of transformers.

Learned counsel for the petitioner submits that no notice or opportunity was given to the petitioner with regard to the shortage and even no departmental inquiry was conducted against him. Learned counsel further submits that the petitioner has served a legal notice upon the respondents on 01.07.2016 but no action has been taken thereupon so far. He further submits that all retiral benefits, except some of the amount, have been with-held by the respondents without any reason. Learned counsel also submits that the petitioner would be satisfied, in case, the directions are

issued to respondent No.4 to consider the legal notice dated 01.07.2016 (Annexure P-3) and take necessary action thereupon in accordance with law.

In view of the submissions made by learned counsel for the petitioner, the present petition is disposed of with a direction to respondent No.4 to consider the legal notice dated 01.07.2016 (Annexure P-3) in view of judgments passed in **CWP No.1318 of 2009** titled as **Ram Phal vs Uttar Haryana Bijli Vitran Nigam Limited and others**, decided on **08.01.2010** (Annexure P-4) and **CWP No.12036 of 2008** titled as **Suraj Mal vs Uttar Haryana Bijli Vitran Nigam Limited and others**, decided on **11.09.2008** (Annexure P-5). The necessary exercise be done within a period of two months from the date of receipt of certified copy of this order.

In case, the petitioner is found to be entitled for the relief as prayed for in the legal notice in view of decision in **Ram Phal's and Suraj Mal's cases (supra)**, the same be released to him forthwith and in case, there is a delay then the petitioner shall also be entitled for interest @ 9% per annum.

In case, any adverse order is passed then the petitioner is at liberty to avail the appropriate remedy.

The petition is disposed of accordingly.

(DAYA CHAUDHARY)
JUDGE

01.09.2016
gurpreet

Whether speaking/reasoned

Yes

Whether Reportable

Yes