

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

**CWP No.20727 of 2014
Date of decision: 05.05.2016**

Ram Bhagat

...Petitioner

versus

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jagbir Malik, Advocate,
for the petitioner.

Mr. Pardeep Singh Poonia, Advocate,
for the respondents.

RITU BAHRI, J.

The petitioner is seeking direction to the respondents to make payment of retiral dues, which have been withheld on account of shortage of oil and breakage of parts of transformers.

The petitioner was appointed to the post of Assistant Lineman on 20.01.1971 and after getting promotions from time to time, he was retired from service as Assistant Foreman on 30.04.2008. Case of the petitioner is that vide order dated 23.04.2007 (Annexure R-4/1), he was promoted to the post of Junior Engineer.

In the written statement, the respondents have stated that after his promotion, the petitioner had never joined as Junior Engineer and remained absence. Hence, he was retired on the post of Assistant Foreman

on 30.04.2008. It has been further stated that in pursuance of two enquiries conducted against the petitioner, recovery of Rs.51,365/- is to be effected from him.

Learned counsel for the petitioner does not dispute with regard to the aforesaid amount. However, the respondents are recovering an amount of Rs.3,42,784/- on account of damage of transformer.

The respondents, in their written statement, have not stated that that this recovery is being effected after passing of any order of recovery by providing an opportunity of hearing to the petitioner. Thus, the recovery of Rs.51,365/- can be effected from the petitioner and rest of the amount has to be paid to him along with interest as per the judgment passed by a Co-ordinate Bench of this Court in **Ram Phal Vs. Uttar Haryana Bijli Vitran Nigam Limited and others**, CWP No.1318 of 2009 (decided on 08.01.2010), which has been followed by this Court in **Balwant Singh Vs. U.H.B.V.N.L. others**, CWP No.20711 of 2014 (decided on 22.01.2016). In that case, a show cause notice had been issued to the petitioner, but no enquiry was held. It was held that without holding any enquiry, recovery could not be effected from the petitioner.

In view of the above discussion, the present petition is allowed and the respondents are directed to release all the retiral dues in favour of the petitioner after adjusting an amount of Rs.51,365/- along with interest at the rate of 9% per annum, within a period of three months. The interest shall be calculated w.e.f. 01.08.2008 i.e. after three months from the date of retirement of the petitioner.

05.05.2016
ajp

(RITU BAHRI)
JUDGE