

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

**CWP No.23517 of 2014
Date of Decision:- 26.04.2016**

Narender Kumar

....Petitioner

Versus

UHBVNL and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. J.K. Goel, Advocate
for the petitioner.**

**Mr. Vinod Sharma, Advocate
for the respondents.**

RITU BAHRI, J. (Oral)

Petitioner by way of present petition is seeking direction to the respondent to release the amount of ₹3,88,997/- on account of DCRG with interest.

Petitioner was appointed as ALM on 19.01.1985 in the Haryana State Electricity Board (now UHBVNL). He was promoted as LDC on 20.09.1985. Subsequently, he retired on 31.03.2013 on attaining the age of superannuation. After completing the necessary formalities, he submitted his papers for release of pensionary benefits such as GPF, leave encashment, DCRG etc. Petitioner was paid only the amount of GPF and leave encashment by the respondent authorities. The part payment of

pensionary benefits has been released by the respondent authorities, vide PPO No.10042 dated 06.08.2013, GPO No.10772 dated 05.06.2014 and CPO No.8671 dated 05.06.2014. The respondent authorities while releasing the said part payment of pensionary benefits has recovered an amount of ₹3,88,997/- from the DCRG amount, without issuing any show cause notice to the petitioner.

The respondent in the written statement has placed on record letter dated 01.04.2014 (Annexure R-1) by which the amount in question has been sought to be recovered and vide order dated 15.05.2014 (Annexure R-2) one charge-sheet was finalized after making the recovery of one increment for one month from the pensionary benefits of the petitioner. This fact is not subject matter of the dispute in the present petition.

After hearing the learned counsel for the parties, going through record, this Court is of the considered view that as per letter dated 01.04.2014 (Annexure R-1), the recovery has to be effected from the retiree after giving due opportunity of hearing but in the present case the department has not given any opportunity to the petitioner. Petitioner retired on 31.03.2013 and the recovery has been effected from him on 01.04.2014. During the pendency of the present petition, in compliance of order dated 24.02.2015, an amount of ₹2 lacs, has been released to the petitioner.

In view of above facts, the present writ petition is allowed. The respondents are directed to pay the remaining amount of ₹1,88,997/- to the petitioner along with 9% interest from the date of retirement till the

payment is made. Further the respondents are directed to pay 9% interest on the above-said amount of ₹2 lacs, from the date of retirement till the payment was made.

April 26, 2016
naresh.k

(RITU BAHRI)
JUDGE