

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.27820 of 2013
Date of Decision:- 10.05.2016

Jagwanti Devi

....Petitioner

Versus

U.H.B.V.N.L. and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Raman B. Garg, Advocate
for the petitioner.

Mr. Sudhir Hooda, Advocate,
for the respondents.

RITU BAHRI, J. (Oral)

Petitioner is seeking directions to the respondents to refund an amount of ₹2,88,363/- along with interest and further a prayer to give the interest on the delayed payment.

The husband of the petitioner superannuated as Assistant Foreman on 30.04.2009. After his retirement, he was paid 90% of the pension. An amount of ₹1,75,000/- was paid to him on account of leave encashment. A charge-sheet was issued to the husband of the petitioner after about two and half years of his retirement, vide letter dated 29.08.2011 with the allegation that the respondent-Nigam suffered a loss of about ₹2,60,000/- in a case of theft of electricity detected by the husband of the petitioner. The husband of the petitioner died on 18.07.2012. Thereafter, the petitioner was informed that

a sum of ₹30,95,300/- was to be recovered from his husband on account of material such as pole, wire, transformer etc and another sum of ₹3,61,863/- on account of two transformers drawn by SR No.8/363 and 50/184. The petitioner has further stated that out of ₹3,61,863/- a sum of ₹73,500/- was released on 04.04.2013.

On notice, a written statement has been filed by the respondents and the stand taken therein is that the husband of the petitioner was exonerated from the charges by taking a lenient view and also on humanitarian grounds.

The respondents in the written statement are not disputing that an amount of ₹4,39,725/- was released to the petitioner in the month of January 2013. The dispute is now restricted to an amount of ₹2,88,363/-. The recovery notice was issued to the husband of the petitioner when he was working and communicated to the husband of the petitioner before his retirement. The husband of the petitioner has retired and till date the outstanding recovery is being sought without any order of recovery. As per judgment of the Division Bench of this Court in The Haryana Vidyut Parsaran Nigam Limited and another Vs. Satpal Arora, 2012(4) PLR 222, no recovery can be effected from the retiral benefits of an employee, if recovery proceedings were not initiated on the basis of inquiry against the employee but the same were initiated on the basis of some audit objections.

In view of above, the present writ petition is allowed and the respondents are directed to release an amount of ₹2,88,363/- along with 9% interest w.e.f. 01.08.2009 and further to pay 9% interest on the delayed payment from the date of accrual till the date of its realization.

May 10, 2016
naresh.k

(RITU BAHRI)
JUDGE