

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 25843 of 2016

Date of decision: 14.12.2016

Ram Janam Verma

... Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. KL Dhingra, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

The petitioner has approached this Court a few months short of his retirement from service as Junior Engineer in the respondent-Nigam. He has been issued a letter on August 1, 2016 conveying to him that an amount of ₹1,30,387/- for acute shortage/ breakage of damaged T/Fs is recoverable from him. The petitioner claimed that there are instructions that such minor losses are to be written off as a Junior Engineer is to supervise 450 to 500 transformers and installation etc. is manual and in the manual process there is normally loss of nut and bolts while dealing with bulk transformers. He relies on DOP-53/49 to claim such shortages/breakage to be written off. He quotes administrative precedents in the Nigam in the past of which supporting documents are attached as Annex P-1 to P-4, P-7 & P-8 and the other instances as well in his support and in challenge to the order of recovery dated August 1, 2016. He has made an appeal/ representation to the respondent authorities in this behalf on August 22, 2016 claiming benefit of DOP -53/49 and parity of treatment with other Junior Engineers in whose cases damages and shortages were written off.

Since the petitioner's case is asserted to be covered by the instructions of the Nigam then, without expressing any opinion on the merits of the case, a direction is issued to the authorities competent to consider request under DOP-53/49 for writing off shortages/breakages in damaged transformers, to take up the representation immediately and decide the same within one month having regard to the instructions of the Nigam and precedents in the department. If the petitioner desires personal hearing, he can make a request and the same will be allowed. In case, the authority decides to write off the amount of ₹1,30,387/-, it would not be necessary to hear the petitioner or to pass a speaking order. However, if an adverse order is passed or contemplated the petitioner will be heard and a well reasoned speaking order passed dealing with all grounds taken in the representation and those made in this petition, in addition thereto.

With these observations and directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

14.12.2016
monika

Whether speaking/reasoned *Yes*

Whether reportable *No*