

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

**C.W.P No. 9286 of 2014
Date of decision : 14.01.2016**

Dhir Singh

...Petitioner

versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others ..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. K.L. Dhingra, Advocate
 for the petitioner.

Mr. Vinod Sharma, Advocate
 for the respondents.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RITU BAHRI , J.

C.M. No. 173 of 2016

Application is allowed as prayed for.

Accordingly, replication and Annexure P-7 to P-11 are taken
on record.

C.W.P No. 9286 of 2014

Petitioner-Dhir Singh is seeking issuance of writ in the
nature of mandamus, certiorari for directing the respondents to take
immediate decision on the show cause notice (P-1) and charge sheet
(P-3), in view of reply filed by the petitioner and thereafter, release the

GAURAV ARORA
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DCRG amount to the petitioner along with 12% interest.

Brief facts of the case are that the petitioner retired on superannuation on 31.07.2012 and on the same date, he was issued a shows cause notice with the charge that prior to his retirement from 2010 to 2012, collection amount from consumers was not increased. The petitioner submitted his reply within 15 days (P-2) and on 10.09.2013, charge sheet was issued to the petitioner on the basis of audit, which was conducted in April 2013 and in October 2013, the petitioner submitted his reply to the charge sheet but no decision has been taken there on.

On notice a written statement has been filed by the respondents wherein it has been stated that the petitioner while working with the respondents, had committed various irregularities for which various show cause notices and charge sheets were issued to him, the details of which reads as under:-

1. Show Cause Notice dated 04.01.2008, decided vide order dated 27.07.2008.
2. Show Cause Notice dated 17.05.2011, decided vide order dated 20.05.2013.
3. Charge sheet dated 10.09.2013, dropped vide order dated 19.11.2014.
4. Show Cause Notice dated 31.07.2012, withdrawn vide order dated 02.06.2014.
5. Charge sheet dated 16.07.2014, withdrawn vide order dated 01.04.2015.

But the petitioner was allowed 100% provisional pension, vide order dated 08.11.2013. He was not release DCRG as while working as J.E (Incharge), Bhatgaon Sub Office, he had drawn material from the

store amounting to Rs.17,50,038/- and he is yet to account for the said material at site (MAS) drawn by him to the Nigam, which was pointed out by Chief Auditor,, UHBVNL, Rohtak vide No Demand Certificate dated 13.05.2015 (R-1/1). In this regard, draft charge sheet has been prepared against the petitioner and sent to SE (Op.) Circle, Sonapat for issuing the same to the petitioner and the petitioner tendered his explanation thereof to the Chief Auditor and the decision is yet to be taken by the competent authority.

A replication was filed by the petitioner stating therein that Rs.8,33,573/- has been released to the petitioner by the respondents, vide Annexures P-7 to P-9 and now the petitioner is entitled to interest on the above said amount, in view of Government instructions dated 20.02.2002 (P-10) and in view of full bench judgment of this Court in case of ***R.S. Randhawa vs. State of Punjab 1997 (3) RSJ 318 FB.***

Similar issue has come up for consideration before this Court in a case of ***Subhash Chander vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others, decided on 24.04.2009*** whereby the department has withheld the amount of the petitioner on the pretext of some recoveries against him and this Court disposed of the writ petition with a direction to the respondents to release an amount of Rs.51412.70 to the petitioner along with 8.5% interest within a period of

two months. It will be further open for the respondents to recover the said amount from the petitioner after following the proper rules in accordance with law.

Learned counsel for the respondent has not been able to contradict that the aforesaid amount has been released to the petitioner.

Thus keeping in view the fact that an amount of Rs.8,33,573 has now been released to the petitioner, it seems that the petitioner is not found guilty of the charges levelled against him.

The writ petition is allowed and the respondents are directed to give 9% interest on Rs.8,33,573/- w.e.f 01.11.2012 i.e after three months from the retirement of the petitioner, till the payment is made, in view of instructions dated 20.02.2002 (P-10).

(RITU BAHRI)
JUDGE

14.01.2016

G Arora