

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

LPA No.1564 of 2017 (O&M)

Date of Decision : 08.11.2017

Mange Ram

....Appellant

Versus

Uttar Haryana Bijli Vitran Nigam Limited
and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present : Mr.J.K.Goel, Advocate
for appellant.

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned Single Judge dated 17.04.2017.

The appellant retired from service and the respondents withheld the benefits of Rs.1,25,191/- without issuing show cause notice to him. This was released to him after a delay of 19 months and the writ petition was filed claiming interest of this period. The respondents justified their stand but the learned Single Judge opined that the amount was erroneously withheld as there was no occasion to do so. Repeatedly chargesheets were indeed issued to the appellant but withdrawn subsequently. However, it was pleaded that the appellant had admitted to certain recoveries as justified while filling up his proforma at the time of superannuation. These recoveries were therefore effected by the respondents and the remaining amount released. The learned Single Judge granted interest @ 9 per cent per annum on the delayed payments of the retiral benefits.

Learned counsel for the appellant contends that the entire amount ought to have been released to him. He has further stated that no show cause

notice was issued to him before effecting such recoveries and in this regard he has placed reliance on *Ram Narain Dua v. Dakshin Haryana Bijli Vitran Nigam Ltd. and others*, **2007(1) RSJ 402**.

We have heard the learned counsel for the appellant and are of the opinion that there would be absolutely no dispute with the proposition that show cause notice indeed has to be issued if any adverse order is contemplated, but we cannot be oblivious of the fact that the appellant himself acquiesced to these demands made by the respondents while filling up his proforma at the time of retirement by admitting to certain amounts. Once the appellant has accepted certain recoveries to be justified, there would be no occasion for him to insist on show cause notice. We, therefore, do not find any reason to interfere with the impugned order by which the writ petition of the appellant has been accepted qua the remaining amount unjustifiably held by the respondents which now carries interest.

However, delay of 48 days in filing the appeal is condoned for the reasons mentioned in the application under Section 5 of the Limitation Act.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

08.11.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No