

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

**CWP No. 9797 OF 2015
DECIDED ON: JANUARY 16, 2018**

OM PARKASH RANGA

.....PETITIONER

VERSUS

DHBVN LTD., HISSAR AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Balraj Singh Dhull, Advocate and
Mr. Sandeep Singh, Advocate,
for the petitioner.

Mr. P.K. Longia, Advocate,
for the respondents.

JASPAL SINGH, J (ORAL)

Through instant petition preferred under Article 226/227 of the Constitution of India, the petitioner has sought issuance of a writ in the nature of certiorari seeking quashing of order dated 11.03.2015 (Annexure P-7) passed by respondent No.2 as well as instructions dated 01.01.2003 (Annexure P-1) only to the extent by which the benefit of breakage/shortage has been restricted to 5% of the existing cost of transformer and 20% of the total cost of transformer oil despite the fact that there is no negligence on the part of the employee. Further for quashing of action of the respondents by which a sum of ₹2,63,540/- has been withheld from the retiral benefits and for the release thereof along with interest @ 12%.

2. At the very outset of the arguments, learned counsel for the petitioner submits that a sum of ₹2,63,540/- has been illegally and wrongly withheld by the respondents from the pensionary benefits i.e. leave encashment and gratuity on account of shortage of D/T/F, oil and missing parts. The petitioner came to know about the deduction of aforesaid amount from his retiral benefits when he sought information under the RTI and was conveyed to this effect vide letter No.Ch.2/RTI 561, dated 26.08.2014. Thereafter, he approached this Court by way of CWP No. 21474 of 2014, titled as ***“Om Parkash Ranga v. DHBVN Ltd and others”***, which was disposed of by Division Bench of this Court vide order dated 08.12.2014. In pursuance of order dated 08.12.2014, the matter was reconsidered by the Chief Engineer (Operation) DHBVNL, Hisar-respondent No.2 and office order No. 302, dated 11.03.2015 was passed holding that the amount to the tune of ₹2,63,540/- was recoverable from the petitioner and has been rightly recovered.

3. Hence, through the instant petition impugned order dated 11.03.2015 (Annexure P-7) has been challenged.

4. At this juncture, learned counsel for the petitioner submits that prior to the passing of aforesaid order dated 11.03.2015, neither any notice was given to the petitioner nor he was afforded an opportunity of being heard. Otherwise also, retiral benefits cannot be withheld and he cannot be deprived of the benefits except in accordance with the procedure established by law or under Rule 2.2(b) of the Punjab Civil Services Rules Volume II (as applicable to the State of Haryana).

5. However, a scrutiny of the paper book transpires that not only once,

rather, the petitioner was served with notice 18/19 times and the documents in this regard are available on record, yet, the petitioner did not come forward to represent or defend his case. Even, opportunity was also afforded while passing the impugned order dated 11.03.2015. This, Court is of the opinion that the department/authority has taken a lenient view and has already waived off the major amount of the damages caused by the petitioner to the respondent-department.

6. Thus, this Court does not find any infirmity, illegality and impropriety in the impugned order dated 11.03.2015 and it is held that the same is passed absolutely in consonance with the principle of natural justice and Rules. The recovery of a sum of ₹2,63,540/- has been rightly effected.

7. Accordingly, this Court does not find any merit in the instant petition. Hence, the same is dismissed.

JANUARY 16, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***

Whether reportable ***Yes/No***