

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 30953 of 2018
Date of Decision : 07.12.2018

Shanti Devi

...Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Limited and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Sandeep Singal, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present case, the petitioner is challenging the recovery of ₹1,55,662/- which has been made by the respondents from the retiral dues, which were paid to the petitioner on account of the service rendered by her husband.

Learned counsel for the petitioner states that no order has been passed by the respondents for effecting of the recovery of the above said amount. Unilaterally, without issuing any show cause notice, respondents on their own while making payment to the petitioner of the retiral benefits for which the husband of the petitioner was entitled for, recovery has been done. Learned counsel further states that the said recovery, which is being done by the respondents is illegal and against the judgment of Hon'ble the Supreme Court in the case of *State of Punjab and others Vs. Rafiq Masih (White Washer) etc., 2015(4) SCC 334*.

Learned counsel for the petitioner fairly admits that the

petitioner has not raised this claim with the respondents by filing any representation.

Admittedly, there is no order, which has been passed for recovery of the same, which is under challenge herein.

Learned counsel for the petitioner states that the petitioner will make a representation in respect of her claim for release of the withheld amount of ₹1,55,662/- with the respondents by filing appropriate representation/legal notice within a period of four weeks from today and a request has been made that the said representation/legal notice be decided by the respondents in a time bound manner.

The writ petition is disposed of with a direction to the respondents that in case any representation/legal notice is served by the petitioner within a period of four weeks, the respondents shall pass a speaking order deciding the same within a period of three months from the receipt of the said representation/legal notice. The respondents shall keep in mind the law as to whether the recovery can be done from the retired employee and without issuance of any show cause notice/without observing the rules of natural justice.

However, it is made clear that this Court expresses no opinion on the merits of the case as well as the entitlement of the petitioner for claiming the above said amount at this stage.

The writ petition stands disposed of accordingly.

December 07, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*