

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

**CWP No. 3439 of 2018
Date of Decision 15.2.2018**

Ramesh Kumar and others

...Petitioners.

Versus

Uttar Haryana Bijli Vitran Nigam and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ishan Cooner, Advocate, for
Mr. Jagram Singh Cooner, Advocate
for the petitioners.

ARUN PALLI, J. (ORAL)

The petitioners pray for a direction to the respondents to refund the amount that has since been deducted from their salaries/retiral benefits, in terms of order dated 17.2.2015 (Annexure P-1). The petitioners were promoted as Assistant Linemen on 30.7.1999, 21.1.2000, 20.7.2000, 21.1.2000 and 25.10.2000, respectively. However, owing to the revised tentative seniority list of RWMs, dated 8.10.2004, the date of promotion of the petitioners as Assistant Linemen was revised to 5.8.2002, 20.3.2001, 3.6.2002, 5.8.2002 and 3.6.2002, respectively. Accordingly, the recoveries were effected from the salaries/retiral benefits of the petitioners in the year 2011. Three of the five petitioners, i.e. petitioner Nos. 3 to 5, have since retired from service. The limited grievance that the petitioners have is; that since they were promoted to the post of Assistant Linemen by the department and the petitioners being not guilty of any concealment or

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misrepresentation, the amount received by the petitioners, as a consequence of their promotion, could never be recovered. That too after a lapse of considerable time. The petitioners purport to have repeatedly represented to the respondents to refund the amount that has since been recovered. But to no avail. Even the legal notice dated 28.7.2017 (Annexure P-7), the respondents have been served with, has failed to evoke any response.

That being so, the petition is disposed of, at this stage, only with a direction to the respondents to consider and decide the claim of the petitioners, as also their legal notice, dated 28.7.2017 (Annexure P-7), within a period of three months from the receipt of certified copy of this order. And pass appropriate orders in accordance with law. In the event, the claim of the petitioners is declined, the authority shall pass a comprehensive order assigning reasons in support thereof.

15.2.2018
AK Sharma

(ARUN PALLI)
JUDGE

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO