

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

(129)

CWP-5672-2019

Date of Decision: March 01, 2019

Wazir Singh

.. Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mandeep Singh, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the prayer made by the petitioner is that after the retirement of the petitioner, the respondents withheld the amount of Rs.1,93,084/- from the pensionary benefits of the petitioner.

Learned counsel for the petitioner states that before effecting the said recovery, the petitioner was not given any show cause notice whatsoever and infact the petitioner does not know as to on what account the said recovery has been effected by the respondents.

Learned counsel for the petitioner states that the said recovery is contrary to the law settled by the Hon'ble Supreme Court of India in **State of Punjab and others Vs. Rafiq Masih etc, 2015 (4) SCC 334.**

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served upon the respondents with a legal notice dated 24.07.2018 (Annexure P-3) which is still pending consideration with the respondents. He further states that the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice dated 24.07.2018 (Annexure P-3) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 24.07.2018 (Annexure P-3), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 24.07.2018 (Annexure P-3) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled to any monetary benefits after the decision of the legal notice, the same should also be paid to him within three months thereafter.

March 01, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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