

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 10501 of 2019
Date of Decision : 24.04.2019

Harbans Singh

...Petitioner

Versus

Punjab State Power Corporation Limited and others

...Respondents

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

Present: None.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance of the petitioner is that without issuing any order of recovery and without informing him about the reasons of the said recovery, his pension has been decreased so as to recover an amount of ₹2,43,000/-. To challenge the said action, reliance is being placed upon the judgment of Hon'ble the Supreme Court in *State of Punjab and others Vs. Rafiq Masih (White Washer) etc., 2015(4) SCC 334*, to contend that recovery from a retired employee cannot be effected and that too without giving any show cause notice or an opportunity of hearing.

From the averments made in the writ petition, it transpires that for the relief, which has been claimed in the present writ petition, the petitioner has served upon the respondents a legal notice dated 05.03.2019

(Annexure P-2) and as per the averments made in the writ petition, the said

legal notice is still pending consideration with the respondents.

Interest of justice will be served, at this stage, in case a time bound direction is given to the respondents to decide the said legal notice by passing an appropriate speaking order.

Without going into the merits of the case or expressing any opinion to the entitlement of the petitioner in respect of the claim prayed in the present writ petition or in the legal notice, the present writ petition is disposed of with a direction to the respondents to pass an appropriate speaking order on the claim raised by the petitioner in the legal notice dated 05.03.2019 (Annexure P-2) within a period of three months from the date of receipt of certified copy of this order.

In case after the order, it is found by the respondents that the petitioner is entitled for any monetary benefits, the same should also be released to him within a period of next three months.

The writ petition stands disposed of.

April 24, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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