

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No.2635 of 2017**  
**DATE OF DECISION:18.07.2019**

Kamlesh Kumari

... Petitioner

Versus

Uttar Haryana and Bijli Vitran Nigam Ltd. and others

... Respondents

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

Present: Mr. Monish Sharma, Advocate for the petitioner.

Mr. R.S. Longia, Advocate  
for the respondents.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

In the present writ petition the challenge is to the charge-sheet dated 30.08.2014 (Annexure P-7), which was issued to the late husband of the petitioner and also for directing the respondents to release the pensionary benefits with effect from the date her late husband was allowed voluntary retirement i.e. 30.12.2010.

As per the averments made in the writ petition, deceased husband of the petitioner, who was working as a Junior Engineer and had 33 years of service to his credit, was allowed voluntary retirement on 31.12.2010. Thereafter, sanction was given for release of the 100% provisional pension. After retirement, the late husband of the petitioner was issued a chargesheet on 30.08.2014. After considering the reply filed on behalf of the late husband of the

petitioner, the chargesheet was dropped by the respondents. During the pendency of the chargesheet dated 30.08.2014, unfortunately, the late husband of the petitioner died on 07.11.2014. After the death, by an order dated 07.04.2017, the said chargesheet was dropped by the respondents.

Counsel for the petitioner argues that the petitioner is entitled for the grant of all the benefits in respect of service rendered by her late husband and the petitioner seeks direction from this Court to the respondents to release 100% family pension from the date of death of the husband of the petitioner and also other benefits.

In the reply, the respondents have submitted that though the late husband of the petitioner was allowed voluntary retirement but he had submitted pension papers after a considerable delay and as the late husband of the petitioner did not submit accounts and did not hand over the material and machinery, which were under his charge, the pensionary benefits could not be released. Further, there were six chargesheets and two show cause notices pending against the late husband of petitioner. After his death, the said show cause notices/chargesheets were dropped and all the benefits for which he was found entitled for have already been released to the petitioner.

The relevant paras of the reply are as under:

“5. That in reply to para No.5 of the Civil Writ Petition, it is submitted that Sh. Karan Pal singh, J.E. sought voluntary retirement but he submitted his pension papers after a considerable delay. It is further submitted that during the course of his employment various irregularities of Accounts, material, machinery etc. were found in the

official work of Sh. Karan Pal Singh, J.E. He did not submit his accounts, he did not hand over the material, machinery and other charge properly and there were various discrepancies. A vigilance enquiry was pending against him and in a court case, he was found responsible, so the competent authority had initiated various disciplinary actions against him as per details given below:

- a. Show cause notice No.Ch.54/EP-14052, dt. 04.06.09.
- b. Show cause notice No.63/EP-14052, dt. 26.06.09
- c. Charge sheet No.36/EPF-6932, dt. 23.01.12
- d. Charge sheet No.39/EPF-6932, dt. 05.03.12
- e. Charge sheet No.45/EPF-6932, dt. 12.04.12
- f. Charge sheet No.2/EPF-6932, dt. 02.08.13
- g. Charge sheet No.53/Vig.Enq.424, dt. 04.10.13
- h. Charge sheet No.86/EPF-6932, dt.30.08.14

Sh. Karan Pal Singh, J.E. had not submitted his reply to the above disciplinary cases well within time but submitted his reply after an inordinate delay, even after his retirement, which delayed the decision of the disciplinary cases pending against him. As far as dropping of the charge sheet/ show cause notices is concerned, the same have been dropped by the competent authority taking into consideration the reply and material on record. In some of the cases, he had completed the formalities, completed his record, handed over the charge, in some cases the amounts outstanding against him under various head of accounts like transformer oil, missing parts of transformers etc. were “waived off” as per rules and regulations of the Nigam.

It is further submitted that as per standing instructions of the Government of Haryana as well as the Respondent Department, circulated amongst all its employees from time to time, it is mandatory that the retiree must submit the requisite set of documents/certificates etc. to the

concerned office at least a year before the retirement, so that the same are processed because it takes a long time in checking/processing of the retirement dues of an employees, as the whole of the service book and pay fixation etc. for the whole service of the employees are required to be got checked from the Administrative Office as well as Head of the Accounts Section and only after complete securitization and obtaining No Dues Certificate from all the offices, where the employees remained posted during his service, the retirement dues to the employees are paid to him but in the present case, Sh. Karan Pal Singh himself remained negligent in submitting his documents before his voluntary retirement and he also remained negligent in finalizing his other official works such as submission/checking of accounts, charge papers, handed over material etc. complete other formalities etc., so the delay cannot be attributed to the respondent department in any way or manner. It is pertinent to mention here that the various objections were raised by the higher authorities on the retirement dues/service book of Sh. Karan Pal Singh, JE from the office of Chief Accounts Officer, UHBVN, Panchkula vide memo No.Ch.1037/CAO/PF, dated 15.03.2017 (Annexure R-3), which were attended immediately.

6. That the contents of para No.6 of the Civil Writ Petition are replied in the manner that the Charge Sheet No.86/EPF-6932, dated 30.08.2014 was served upon Sh. Karan Pal Singh, J.E. (Retd.), under Regulation-7 of the UHBVN (HSEB) employees (Punishment & Appeal) Regulation, 1990 read with Rule 2.2(b) of CSR on the charge that:

“The Nigam has suffered a loss to the tune of Rs.2,97,137/- on account of a sum of Rs.77,289/- is outstanding under G.H. 28.870 and a sum of

Rs.2,19,848/- is outstanding under G.H. 28.401.”

The action of the respondent department by serving the said chargesheet is strictly as per Rules and Regulations of the Nigam/Govt. of Haryana and Rule 2.2(b) of CSR permits to take action against a retiree to recover pecuniary loss suffered by the Govt. due to act and conduct of a govt. employee during the course of his employment. It is pertinent to mention here that the public money cannot be allowed to be mis-appropriated by any govt. employee by way of any method. A Govt. employee is required to submit proper account of each and every item, material, money etc. with which he has been dealing with during the course of his employment. It is further pertinent to mention here that the said charge sheet has been “withdrawn” only due to the reason of death of Sh. Karan Pal Singh and not on the basis of merits. Rest of the para is matter of record.”

Counsel for the petitioner states that though the petitioner has received certain amounts but no details have been given under what accounts the payments have been made to her. He seeks liberty to approach the respondents by filing appropriate representation seeking the details of the accounts under each head, which have been paid to the petitioner and prays that the respondents be directed to decide that representation in a time bound manner by passing appropriate order.

Counsel for the respondents very fairly states that in case any representation is received from the petitioner, the same will be decided in accordance with law by passing appropriate speaking order and in case the petitioner is found entitled to any amount, the

same will also be released.

Keeping in view the above, counsel for the petitioner states that he does not wish to press the present writ petition any further and prays that the same may be disposed of as such.

Disposed of accordingly.

**July 18, 2019**  
**jt**

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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