

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 23953 of 2019

Date of decision : 02.09.2019

Jatinder Kumar AE (Retired)

....Petitioner

Versus

Punjab State Power Corporation Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. B.D. Sharma, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that after the retirement, the pay of the petitioner was wrongly fixed after promotion of the petitioner from the post of Junior Engineer to the Additional Assistant Engineer and in the re-fixation of the pay after rectifying the mistake, the respondents have found excess payment to the tune of ₹1,83,757/- and the same has been recovered from the pensionary benefits of the petitioner without observing the Rules of Natural Justice, which action is totally arbitrarily and illegal, hence, is liable to be set-aside.

Further the petitioner is also seeking the time bound promotional scale after completing 9, 16 and 23 years of service, which was not extended to the petitioner during his service career. Learned counsel for the petitioner states that for the refund of the recovery, which has been done

from the petitioner illegally as well as for the relief of the promotional scale after completing of 9, 16 and 23 years of service, petitioner has served respondents with a legal notice on 03.06.2019 (Annexure P-8), which is still pending consideration with the respondents and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, the respondents are directed to decide the legal notice dated 03.06.2019 (Annexure P-8) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order. In case after the decision, it is found that the petitioner is entitled for any monetary benefit, the same shall also be released to him within a period of next three months.

Writ petition stands disposed of accordingly.

September 02, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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