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

CWP-27322-2015

Date of Decision: March 05, 2020

Chameli Devi

.....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Ranjit Saini, Advocate
for the petitioner.

Mr.Arihant Goyal, Advocate
for the respondents.

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NIRMALJIT KAUR, J. (ORAL)

Affidavit of Sukhbir Singh, XEN (OP) Division UHBVN, Yamuna Nagar, filed on behalf of the respondents is taken on record. Copy given to learned counsel for the petitioner.

Prayer in the present petition is for quashing of action of the respondents deducting Rs.3,76,412/- from the post retiral benefits of the husband of the petitioner.

Reply has been filed. As per the reply, an amount of Rs.2,26,754/- stands paid vide Cheque No.399496 dated 05.10.2009. The dispute which, therefore, survives in the present petition is only with respect to the balance amount. It is stated that husband of the petitioner was charge-sheeted on 14.03.2002. He did not file any reply and therefore, the impugned order of recovery was passed from the pensionary benefits.

Admittedly, husband of the petitioner died before finalisation of the disciplinary proceedings. The final order of recovery was passed after

his death in spite of the fact that disciplinary proceedings did not culminate into any order. The argument that husband of the petitioner did not reply to the charge-sheet does not help. If it is so, there was nothing which stopped the respondents to pass the final order in view of the fact that he did not file reply. However, the respondents did not do that during his life time and pass the order only after his death, which cannot be sustained.

However, learned counsel for the petitioner restricts his prayer only to the balance amount of Rs.1,49,658/- out of total amount of Rs.3,76,412/- as Rs.2,26,754/- already stood paid.

The argument of learned counsel for the respondents that the said amount of Rs.2,26,754/- paid to the petitioner was full and final settlement cannot come in the way of the petitioner to claim the balance amount because at that point of time, the order dated 21.04.2014, Annexure P6, was never in their knowledge which was obtained only through Right to Information Act. The respondents cannot, therefore, keep the balance amount, which is right of the petitioner.

Accordingly, petition is disposed of with a direction to the respondents to pay the balance amount, i.e. Rs.1,49,658/- within two months from the date of receipt of a certified copy of this order alongwith 6% interest from the date it was due till it is finally paid. In case the said amount is not paid within two months from the date of receipt of a copy of this order, the same shall be deposited alongwith interest @ 12% from the expiry of the said two months.

March 05, 2020
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(NIRMALJIT KAUR)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No