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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.4136-2016

Date of Decision: January 20, 2020

Rameshwar Dass

.....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Rajinder Goyal, Advocate
for the petitioner.

Ms.Chhavi Sharma, Advocate
for the respondents.

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NIRMALJIT KAUR, J. (ORAL)

Petitioner herein is seeking refund of the amount of Rs.3,35,478/- alongwith interest as the same was deducted by the respondents from the retiral benefits of the petitioner on account of shortage/breakage/T/FS and on other accounts without their being any order of deduction by the competent authority.

As per the reply, the respondents had issued show cause notice for recovery of the amount of Rs.5,31,390/- on account of breakage/shortage of parts of transformer as well as oil. Thereafter, a sum of Rs.2,24,816/- was waived off and a specific order was passed qua Rs.3,27,548/- which is evident from Annexure P-9, dated 03.02.2016. Therefore, the argument that no order was passed, is not correct.

However, it is contended that the order Annexure P9 has been

passed simply taking into account certain instructions writing off the amount

in respect of shortage of oil and spare parts only upto the limit of 30% whereas the petitioner was not found responsible for any shortage as per Recommendation dated 16.01.2015 by the SDO/SUS/Divn.No.2, UHBVN, Kaithal.

In view of the above, the present petition is disposed of with a direction to the respondents to re-consider the same in view of the said recommendation by way of passing a fresh order after granting personal hearing to the petitioner.

Needful be done within two months from the date of receipt of certified copy of this order.

January 20, 2020
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(NIRMALJIT KAUR)
JUDGE

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |