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

CWP-5299-2021

Date of Decision: 29.04.2022

Prakash Tiwari

..... Petitioner

Versus

Haryana Power Generation Corporation Limited and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jaspal Singh Maanipur, Advocate,
for the petitioner.

Mr. Sunil Kumar Dhanda, Advocate, for
Mr. Deepak Manchanda, Advocate,
for the respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, prayer of the petitioner is for quashing of orders dated 26.05.2020 and 18.05.2020, being Annexures P-3 and P-2, respectively.

Learned counsel for the petitioner argues that in the present case, the recovery has been effected by the respondents from the pensionary benefits of the petitioner, which could not have been done keeping in view the settled principle of law laid down by the Hon'ble Supreme Court of India while passing judgment in “*State of Punjab and others Vs. Rafiq Masih (White Washer) etc.*”, 2015(1) S.C.T., 195.

Learned counsel for the petitioner further submits that the petitioner has also raised the same grievance before respondent No.1 by serving representation dated 30.05.2020 (Annexure P-4), which is still pending consideration with the authorities concerned and the petitioner will

be satisfied at this stage, in case a time bound direction is given to respondent No.1 to decide the said representation dated 30.05.2020 by passing an appropriate speaking order.

Learned counsel for the respondents raises no objection, in case prayer made hereinbefore on behalf of the petitioner for deciding the representation dated 30.05.2020 (Annexure P-4) in a time bound manner is accepted.

Keeping in view the facts and circumstances of this case and without going into merits of the claim as raised by the petitioner in the present case as well as in the representation dated 30.05.2020 (Annexure P-4), this petition is disposed of with a direction to the respondent No.1 to pass an appropriate speaking order on the representation dated 30.05.2020 (Annexure P-4), filed by the petitioner, within a period of eight weeks from the date of receipt of the copy of this order. In case, the petitioner is found entitled for any benefit, the same be also released in her favour within a period of four weeks thereafter.

29.04.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No