

2023:PHHC:163094
**137 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-3874-2023 (O&M)
Date of decision: 19.12.2023

Punjab State Power Corporation Limited
....Appellant

Versus

Veena Sodhi
..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ferry Sofat, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

CM-13878-C-2023

1. For the reasons stated in the application, delay of 277 days in filing the appeal is condoned.
2. CM stands allowed.

Main case

3. In this Regular Second Appeal, the correctness of the concurrent findings of fact arrived at by the courts below is assailed by the defendant (the Punjab State Power Corporation Limited).
2. In order to comprehend the issue involved in the present case, some relevant facts, in brief, are required to be noticed. The respondent-Smt. Veena Sodhi, widow of late Sh. Jasbir Singh Sodhi filed a suit for declaration that the various orders passed by the defendant recovering Rs.5,38,295/- from the death-cum-gratuity of her husband and refusing to pay an interest on the delayed

payment of the gratuity and for making recovery from the amount of family pension are illegal, null and void. She also applied for the issuance of the direction to the respondents to pay the entire amount.

3. Sh. Jasbir Singh Sodhi died on 07.04.2012. He was facing a departmental inquiry at the time of his death and the same was not taken to its logical end. However, the authorities passed various orders withholding the payments, as noticed above. Both the courts have found that these orders have been passed in violation of the principles of the natural justice as during the lifetime of late Sh. Jasbir Singh Sodhi, no final order penalizing him was passed. Even after his death, his widow has not been given any opportunity of hearing.

4. At the time of arguments, the learned counsel representing the appellant does not dispute the correctness of the factual finding of fact in this regard. However, he submits that the claim involves public money and the courts were required to take into account this fact while deciding the respondents claims.

5. This Court has considered the submissions made by the learned counsel representing the appellant. As per the service rules, the employer is entitled to pass the orders under the Punishment and Appeals Rules. However, before passing such an order, the procedure, as provided under the rules, is required to be followed. When it is clearly comprehensible that the appellant has failed to

follow the procedure laid down in rules, the court below was left with no choice but to decree the suit.

6. Learned counsel representing the appellant did not press any other arguments.

7. Keeping in view the aforesaid facts, no ground to interfere is made out.

8. Hence, dismissed accordingly.

9. All the pending miscellaneous applications, if any, are also disposed of.

19.12.2023

rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No