

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

CWP-8214-2016

DECIDED ON: 12.12.2023

LEHANA SINGH

.....PETITIONER

VERSUS

DAKSHIN HARYANA BIJLI VITRAN NIGAM & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ajit Malik, Advocate for the petitioner.

Mr. Abhilaksh Grover, Advocate for respondents.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing of the order dated 16.05.2023 (Annexure P-1) vide which an amount of Rs.2,43,719/- was raised as outstanding against the petitioner on account of major revenue audit paras.

The case set forth by the petitioner is to the effect that such recovery has been made from the gratuity amount without even conducting any regular inquiry and in fact, the petitioner has not been charge-sheeted ever, but without even adhering to the principles of natural justice, such action is arbitrary, illegal and not sustainable in law.

The petitioner has sought grant of interest on the delayed retiral benefits i.e., approximately Rs.8 lacs, as is evident from Circular dated 20.02.2002 and 11.12.2008 (Annexures P-12 & P-13 respectively), which was made with a delay of more than 8 months.

It is evident from the perusal of the case file that the petitioner retired from the services on attaining the age of superannuation on 31.05.2013 as Upper Division Clerk (UDC). It was during one of the previous hearing on 11.09.2023, Mr. Abhilaksh Grover, Advocate for respondents-DHBVN sought time to get necessary instructions and the status of payments especially whether there is any delay in releasing the retiral benefits and also the rate of interest, if there is any delay.

Today, learned counsel for respondents-DHBVN informs the Court that he has the instructions to submit that the respondents will grant interest @ 8.7% per annum to the petitioner on the delayed period of retiral benefits whatsoever.

Learned counsel for the petitioner is not opposed to the aforesaid proposal and agrees not to pursue the instant writ petition, if the respondents DHBVN makes good the loss suffered by the petitioner by way of interest @ 8.7% per annum.

In the light of these facts and circumstances, learned counsel for the petitioner seeks withdrawal of the instant petition with liberty to move an application for revival, in case, the aforesaid statement made by Mr. Abhilaksh Grover is not honoured.

Prayer is accepted.

Petition is ordered to be dismissed as withdrawn with liberty aforesaid.

It is further ordered that the respondents-DHBVN shall release the payment on account of interest in favour of the petitioner within a period of one month from the date of receipt of certified copy of this order.

(SANDEEP MOUDGIL)
JUDGE

12.12.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>