

201
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-932-2022(O&M)
Date of decision: 18.04.2024

Naresh Chander

...Petitioner

VERSUS

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Mohnish Sharma, Advocate, for the petitioner.

Mr. Dhananjay Mittal, Advocate, for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned office orders dated 02.11.2021 (Annexure P-9) passed by respondent No.3 to the extent for upholding the punishment awarded by SE (OP) Circle, Panipat vide order dated 16.10.2018 to recover an amount of Rs. 2,83,426/- alongwith interest from the pensionary benefits with a further prayer to direct the respondents to release the retiral benefits to the petitioner alongwith pension.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner retired on 31.12.2014 as UDC and after his retirement,

office memos were issued to him with regard to some allegations of embezzlement while he was in service and the aforesaid office memos were issued on 22.01.2015 and 03.03.2015 to which he had filed his reply and the charge-sheet was issued to him on 27.05.2015 and thereafter an Enquiry Officer was appointed. He submitted that he had submitted an affidavit before the Enquiry Officer that he will deposit the embezzled amount to which he does not dispute the same. The Enquiry Officer had come to the conclusion that the total embezzled amount proved against the petitioner was Rs.2,83,426/- alongwith interest and thereafter, an order of punishment (Annexure P-3) was passed against the petitioner with regard to recovery of the aforesaid amount alongwith interest. Another punishment was also inflicted upon the petitioner pertaining to recovery of an amount equivalent to one annual increment with future effect. However, on appeal the aforesaid punishment of increment was set aside but that of recovery of the aforesaid amount of Rs. 2,83,426/- alongwith interest was upheld by the Appellate Authority. He submitted that so far as the liability of the petitioner to pay the aforesaid amount of Rs. 2,83,426/- alongwith interest is concerned, he has no objection to the same but he is objecting to the interest which has been calculated upon the aforesaid amount. He submitted that the respondents have put huge interest till date to which he is not liable to pay.

3. On the other hand, learned counsel appearing on behalf of the respondents submitted that it is a case where the petitioner had admitted the liability and also furnished an affidavit before the Enquiry Officer vide Annexure P-10 and the interest which is calculated qua him on the aforesaid amount of Rs. 2,83,426/- is Rs. 5,10,166/- out of which the respondents have

already recovered Rs. 3,55,032/- and about Rs. 1,50,000/- is still remained. He submitted that the interest which has been calculated is from the date of the embezzlement till the date when PP order was prepared in the year 2019.

4. Learned counsel for the petitioner submitted that now figure has come to be around Rs. 5,00,000/-, he has no objection in case the remaining amount of Rs. 1,50,000/- is recovered from the pensionary benefits but the remaining pensionary benefits should be paid to the petitioner within a time frame work fixed by this Court.

5 Learned counsel for the respondents has submitted that in view of the above, the respondents will recover the remaining amount of about Rs. 1,50,000/- as aforesaid and will pay the remaining pensionary/retiral benefits to the petitioner within a period of two months from today.

6. In view of the aforesaid facts and circumstances and the statements made by the learned counsels for the parties, the present petition is disposed of.

(JASGURPREET SINGH PURI)
JUDGE

18.04.2024
rakesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No