

2024:PHHC:063679



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.8824 of 2024 (O&M)
Date of decision: 08.05.2024

Manoj Kumar

....Petitioner

Versus

Punjab State Power Corporation Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Manu K. Bhandari, Advocate
for the petitioner.

Ms. Gagandeep Kaur, Advocate
for the respondents.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed by the petitioner under Article 226 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for quashing the endorsement made in order dated 06.06.2022 (Annexure P-5). Further a writ of mandamus has been sought for directing the respondents to restore the increment granted to the petitioner in pursuance to Finance Circular dated 07.01.2013 (Annexure P-2) and respondents be restrained from effecting any recovery from the petitioner in pursuance to the order dated 06.06.2022 (Annexure P-5) and further the respondents be directed to release the arrears of pay to the petitioner on account of re-fixation of his pay as per 6th Pay Commission Report and to adjust the amount allegedly due from

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the petitioner on account of recovery in pursuance to withdrawal of increment granted to the petitioner.

2. On the last date of hearing, the following order was passed:-

“The petitioner is aggrieved against the recovery of Rs.1,53,426/-. As per the petitioner the said recovery has been ordered against him without following the principle of natural justice as neither any show cause notice has been issued nor an opportunity of personal hearing has been granted to the petitioner.

Faced with this situation, learned counsel for the respondents, who is present on receipt of advance copy of the petition, seeks time to get instructions.

Adjourned to 08.05.2024.”

3. Learned counsel for the respondents, on instructions from the Department, submits that as on date there is no proposal to recover any amount from the petitioner and in any case even if any recovery is to made, then proper procedure shall be followed.

4. Learned counsel for the petitioner submits that the arrears of pay on account of re-fixation of pay as per 6th Pay Commission Report, have also not been released to the petitioner and for that relief, the petitioner shall make a detailed representation within a period of 01 month from today and the same may be considered and decided by passing a speaking order in a time bound manner.

5. Learned counsel for the respondents has no objection to the submission made by learned counsel for the petitioner. She further

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submits that in case any representation is made by the petitioner, the same shall be decided expeditiously.

5. I have heard learned counsel for the parties and have gone through the record of the case.

6. Without going into the merits of the case at this stage, the present petition is disposed of with a direction that in case, the petitioner submits a detailed representation within a period of 01 month from today, the same shall be considered and decided by respondent No.1, by passing a speaking order expeditiously, preferably within a period of 03 months from date of receipt of said representation.

(NAMIT KUMAR)
JUDGE

08.05.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No