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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP- 9307-2016 (O&M)
Date of Decision:22.04.2024

Tara Chand

.....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Naveen Daryal, Advocate for the petitioner.

Mr. S.K. Mahajan, Advocate with
Mr. Yashbir Singh, Superintending Engineer,
UHBVN, Jhajjar, for the respondents.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned instruction dated 02.09.2005 (Annexure P-1) only to the extent by which the benefit of breakage/shortage has been restricted to 5% of the existing cost of transformer and 20% of the total cost of transformer oil despite the fact that there is no negligence on the part of the employee and quashing impugned action of the respondents by which Rs.4,35,316/- has been debited from the account of the petitioner.

2. The controversy involved in the present case is that the petitioner retired in the year 2008 and after his retirement a show cause notice dated 25.02.2010 was issued to him for recovery of any amount of

Rs.3,22,767 regarding which challenge is laid to the present petition on the ground that the respondents-Nigam could not have recovered the aforesaid amount after the retirement of the petitioner and without passing any order and in the absence of any disciplinary proceedings as well.

3. On the last date of hearing, Superintending Engineer, UHBVN, Jhajjar, sought a short accommodation for taking remedial measures. Today, Superintending Engineer, UHBVN, Jhajjar, is present in Court and stated that show cause notice was issued to the petitioner vide Annexure P-2 for recovery of an amount of Rs.3,22,766/- in the year 2010 and thereafter on 13.07.2016 an amount of Rs.26,706/-was paid to the petitioner because some of the parts were deposited by the petitioner and therefore outstanding amount against the petitioner was Rs.2,96,060/- . He further submitted that now the remedial measures have been taken and the aforesaid amount of Rs.2,96,060/- has been paid to the petitioner alongwith interest and a total amount paid to the petitioner comes out to be Rs.5,96,633/-and therefore the present petition has become infructuous.

4. Learned counsel for the petitioner submitted that in view of the statement made by Superintending Engineer, UHBVN, Jhajjar, the present petition may be disposed of as having rendered infructuous. He further submitted that in case any clarification pertaining to the calculation is required then the petitioner may be granted liberty to approach the Superintending Engineer, UHBVN, Jhajjar, so that any doubt pertaining to the calculation may be rectified, if any.

5. Needless to say that in case the petitioner feels any difference pertaining to the calculation then he is at liberty to file a representation to

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the Superintending Engineer, UHBVN, Jhajjar, and in the event of doing so, the same shall be considered and decided in accordance with law.

6. Petition stands disposed of accordingly.

(JASGURPREET SINGH PURI)
JUDGE

22.04.2024
shweta

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