



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

228

CWP-22051-2020

Date of decision : 11.11.2024

Malkeet Singh Sidhu

....Petitioner

V/S

Punjab State Power Corporation Limited and OthersRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Mohit Garg, Advocate for the petitioner.

Mr. Sehajbir Singh, Advocate for the respondents.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ of certiorari, quashing the impugned notices dated 26.05.2017 and 23.06.2020 (Annexures P-3 and P-4), whereby recovery of Rs.2,04,654/-and Rs.79,390/- respectively have been imposed upon the petitioner.

2. While issuing notice of motion on 21.12.2020, the following order was passed :-

“It is inter alia argued that the notices dated 26.05.2017 (Annexure P-3) and 23.06.2020 (Annexure P-4) have been issued without conducting any inquiry. Unless and until a fact finding inquiry is done ascertaining the loss caused to the State through unauthorized means, recovery cannot be effected from the pension of the petitioner.

Notice of motion for 10.02.2021.



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Notice re. stay as well.

Before actual recovery is effected, the petitioner shall be given notice.”

3. Admittedly before effecting recovery from the pension of the petitioner, neither any show cause notice was issued to the petitioner nor an opportunity has been granted, although notices for making recovery were issued, whereby the petitioner was directed to deposit the amounts of Rs.2,04,654/- and Rs.79,390/-. Since the petitioner has not been granted an opportunity to show cause, before passing the orders dated 26.05.2017 and 23.06.2020 (Annexures P-3 and P-4), therefore, the same are not in consonance with the principles of natural justice.
4. In view of the above, the impugned orders of recovery dated 26.05.2017 and 23.06.2020 (Annexures P-3 and P-4) are set aside. However, liberty is granted to the respondents to proceed further in the matter by complying with the principles of natural justice.
5. Disposed of in the above terms.

11.11.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No