

2024:PHHC:110402



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.20437 of 2024 (O&M)
Date of decision: 28.08.2024

Nawal Kishore Malik

....Petitioner

Versus

Punjab State Power Corporation Limited and another

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. A.K. Viridi, Advocate
for the petitioner.

Ms. Rajni Gupta, Advocate
for the respondents.

NAMIT KUMAR J. (Oral)

The present petition has been filed by the petitioner
claiming the following reliefs:-

i) for issuance of writ, preferably a writ in the nature of certiorari for quashing and setting aside the impugned memo dated 09.05.2024 (Annexure P-1) wherein the request of the petitioner for the same punishment of 10% cut in pension and recovery of Rs.40,000/- towards loss as admittedly has been inflicted upon the similarly situated persons by the respondent PSPCL vide various office orders including office order 36,48 and 38 dated 06/01/2023 (Annexure P-2) and 65 dated 10/01/2023 but the same treatment has been declined to the petitioner arbitrarily on the sole ground of delay and time barred while wrongly relying upon the Piara Singh Judgment (Annexure P-3) which is not applicable to the petitioner

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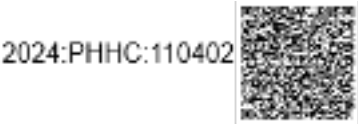


matter and respondent No. 2 being unmindful about the settled proposition of law that the payment of less pension is recurring/continuous cause of action which occurs every month in favour of the retiree pensioner and the facts that the orders with which the petitioner is seeking equality/parity were passed in January 2023.

ii) Further implore for issuance of writ, order or directions in the nature of mandamus directing the respondents to make the payment of excess recovery made from the pension/pensionary benefits/arrears of pension along with interest deducted in view of punishment order dated 12.07.2018 (Annexure-P/4) as Sub Regulation (iii) of Regulation 5 of the Employees (Punishment and Appeal) Regulations-1971 (Annexure-P/5) of respondent PSPCL only empowers the punishing authority for recovery from pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of orders particularly under the peculiar admitted facts that the committee of the Dir/Admin, Dir/F and Dir/C of the respondent PSPCL held CES/SEs/Sr. Xens responsible for supervisory lapse which conclusions were placed before the 208th meeting of WTDs held on 30/06/2018.”

Learned counsel for the respondents has taken objection with regard to filing of the present petition through General Power of Attorney (GPA). She, on instructions, submits that if the petitioner files an appeal against the order of punishment, the same shall be considered by the Appellate Authority, in accordance with law.

Learned counsel for the petitioner submits that the petitioner shall file the appeal within a period of one month from today.



If any such appeal is preferred by the petitioner within a period of one month from today, the same shall be considered and disposed of by the Appellate Authority by passing a speaking order, in accordance with law, within a period of four months thereafter.

Disposed of in the above terms.

(NAMIT KUMAR)
JUDGE

28.08.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No