



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

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CWP-27810-2019

Date of decision : 27.11.2024

Gian Chand

....Petitioner

V/S

Punjab State Power Transmission Corp. Ltd. and othersRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Rahul Bhardwaj, Advocate for
Mr. H.K. Brinda, Advocate for the petitioner.

Mr. Vivek Sharma, 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 action of the respondents reducing the basic pay of the petitioner by withdrawing the increment granted at the time of pay fixation on account of promotion and effecting recovery of Rs.63,901/- from the leave encashment of the petitioner. Further, seeking a writ of mandamus, directing the respondents to grant 23rd year TBPS to the petitioner and/or to restore the withdrawn increment, fix the basis pay, determine and pay post retirement benefits without any deduction and grant arrears thereof with interest @ 18% per annum from due date till its payment.

2. One of the ground to challenge the impugned action of the respondents in reducing the basic pay of the petitioner by withdrawing the increment granted at the time of pay fixation on account of



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promotion and effecting recovery of Rs.63,901/- from the leave encashment of the petitioner is that neither any show cause notice was issued nor an opportunity of personal hearing was granted to the petitioner.

3. The said fact has not been disputed by the respondents in the written statement.

4. In this view of the matter, the present petition is partly allowed and the impugned action of the respondents, reducing the basic pay of the petitioner by withdrawing the increment granted at the time of pay fixation on account of promotion and effecting recovery of Rs.63,901/- from the leave encashment of the petitioner, is set aside. However, liberty is granted to the respondents to proceed further in the matter if they wish to do so in accordance with law after complying with the principles of natural justice within a period of 03 months from the date of receipt of certified copy of this order. The amount so deducted from the leave encashment will remain with the respondents till the fresh decision taken by the respondents and the fresh decision will settle whether the amount is to be repaid to the petitioner or kept by the respondents.

27.11.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No