



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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LPA-2178-2024 (O&M)
Date of decision: 09.09.2024

DAKSHIN HARYANA BIJLI VITRAN NIGAM LIMITED AND
OTHERS

...Appellants

VERSUS

SURJEET SINGH

...Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Hitesh Pandit, Advocate
for the appellants.

DEEPAK MANCHANDA, J.

1. Through this intra court appeal appellants-Nigam have assailed the impugned judgment dated 30.04.2024 through which directions have been issued to refund an amount of ₹ 3,34,942/- to the respondent-petitioner along with interest at the rate of 6% per annum from the date of his retirement plus two months till the date of its actual disbursement within a period of three months from the passing of the impugned judgment with a further direction that in case the aforesaid amount is not paid within the directed time period, the respondent would be entitled for future rate of interest @ 9% per annum (simple).

2. Vide the impugned judgment, while allowing the writ petition, the learned Single Judge has also imposed costs of ₹2 lakhs upon the



appellants-Nigam and issued certain directions, which are reproduced below:-

“19. Considering the aforesaid peculiar facts and circumstances of the present case, this Court is of the considered view that it is a fit case for imposing exemplary costs upon the respondents-Nigam. The conduct of the respondent-Nigam has already been condemned by this court as aforesaid. The costs are assessed as Rs.2,00,000/- (Rupees Two Lacs only) which shall be paid to the petitioner at the first instance by the Nigam within the aforesaid period of three months from today. Thereafter the Managing Director of the Nigam is directed to conduct an enquiry on the aforesaid two issues i.e. firstly who was responsible for withholding and recovering the aforesaid amount from the gratuity of the petitioner despite the fact that the law has been settled pertaining to the respondent-Nigam and secondly as to who was responsible for procuring the affidavit from the petitioner. After the accountability of the officer concerned is fixed then the costs shall be recovered from its official(s) in accordance with law.

20. Such kind of cases of insensitiveness towards ex-employees of the respondent-Nigam are coming to the notice of this Court frequently. The Managing Director of the respondent-Nigam is also directed to look into this issue and to sensitize his officers including the legal department of the Nigam by giving them appropriate training and will acquaint them on the law on every subject. The Managing Director will also seek the explanation from the legal department of the Nigam as to how and under what circumstances the aforesaid preliminary objections were taken which were ex-facie illegal and frivolous.

21. The Managing Director shall undergo the aforesaid exercise and complete the same within a period of three months from today

22. List this case after a period of three months for compliance and for awaiting report from respondent No.6/Managing



Director.

23. Registry shall tag Annexure Mark 'X' with the paper-book and paginate the same."

3. Aggrieved by the aforementioned directions this intra court appeal has been preferred by the appellants.

4. The facts which emanate from the pleadings are that the respondent retired on 30.09.2014 as a Junior Engineer. Thereafter, he was served with a show cause notice with regard to some shortage of transformer oil and missing parts from the year 2006 onwards. Without conducting any enquiry and without initiating any disciplinary proceedings, an amount of ₹ 3,34,942/- was recovered from his gratuity which was challenged by the respondent through writ petition being CWP No.15453 of 2021 and the same was allowed with issuance of the aforesaid directions.

5. We have heard the learned counsel for the appellants.

6. A perusal of the impugned judgment would show that the respondent had retired from service on 30.09.2014 and thereafter, without conducting any enquiry of any sort, an amount of ₹ 3,34,942/- was recovered by the appellant from his gratuity.

7. Vide the impugned judgment, specific directions were issued to the appellants which were supposed to be complied with, within the specified period of three months but instead of complying with the said directions within the specific period appellants-Nigam have preferred this intra court appeal. As per learned counsel for the appellants, till date, neither the awarded costs of ₹ 2 lakhs have been paid to the respondent nor any enquiry, in compliance of the directions, has been initiated. This shows casualness towards the directions issued by the learned Single Judge.

8. In light of the above, we are not inclined to interfere with the

impugned judgment.

9. Dismissed.
10. All pending miscellaneous application(s) also stand disposed of.

(DEEPAK MANCHANDA)
JUDGE

(DEEPAK SIBAL)
JUDGE

September 09, 2024
Nisha Yadav

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No