



CWP-21155-2023

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

**CWP-21155-2023 (O&M)
Date of Decision:08.05.2024**

Sat Pal

.....Petitioner

versus

Uttar Haryana Bijli Vitran Nigam and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. R.L. Sharma, Advocate for the petitioner.

Mr. Amit Kumar, Advocate for
Dr. Neha Awasthi, Advocate for respondents.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *Certiorari* for quashing the order dated 28.09.2018 (Annexure P-2) whereby an amount of Rs.1,22,656/- has been deducted from the gratuity of the petitioner.

2. Learned counsel for the petitioner submitted the petitioner was working as AFM in the office of respondents-Uttar Haryana Bijli Vitran Nigam (hereinafter to be referred to as 'Nigam') and retired after attaining the age of superannuation on 30.09.2018. Learned counsel further submitted that at the time of retirement of the petitioner, an amount of Rs.1,22,652/- was deducted from the gratuity of the petitioner without issuance of any charge-sheet, show cause notice or any kind of proceedings against the petitioner.



3. He further submitted that when the writ petition was filed, notice of motion issued to respondents on 21.09.2023 and now on 29.04.2024 the respondents have paid the aforesaid amount of Rs.1,22,652/- but the aforesaid is only the principal amount and the petitioner is entitled for the grant of interest on the aforesaid amount from the date of retirement till the date of its disbursement in view of the Full Bench judgment of this Court in *A.S. Randhawa vs. State of Punjab 1997 (3) SCT 468*.

4. On the other hand, learned counsel appearing for respondents submitted that since all the amount has been paid to the petitioner, the present petition would be rendered as infructuous.

5. After hearing learned counsel for the parties, this Court is of the view that an amount of Rs.1,22,652/- was deducted from the gratuity of the petitioner without issuance of any charge-sheet, show cause notice or any kind of proceedings against the petitioner. After issuance of notice of motion by this Court, the respondents appears to have rectified their mistake and now the respondents have paid the aforesaid amount to the petitioner vide cheque dated 29.04.2024. Learned counsel for the petitioner has produced a photocopy of the cheque today amounting to Rs.1,22,652/- dated 29.04.2024 which is hereby taken on record as 'Mark X'..

6. The petitioner had retired in the year 2018 and the amount has been paid on 29.04.2024 and, therefore, the petitioner is entitled for the grant of interest @6% per annum on the aforesaid amount.



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7. In view of the above, the present petition is partly allowed. The respondents are directed to release the interest on the aforesaid amount i.e. Rs.1,22,652/- @6% per annum to the petitioner starting from the date of his retirement plus two months till the date of actual disbursement in accordance with law within a period of four months from today.

(JASGURPREET SINGH PURI)
JUDGE

08.05.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No