



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

(Sr. No. 128)

LPA No.2749 of 2024 (O&M)

Date of decision: 06.11.2024

Managing Director, UHBVN Ltd. and others

..... Appellants

Versus

Inder Singh and another

..... Respondents

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

Present : Mr. Vivek Chauhan, Advocate for the appellants.

* * *

DEEPAK SIBAL, J. (Oral)

(1) Respondent No.1 had petitioned this Court seeking therein several reliefs but the only prayer pressed at the time when his petition came up for final hearing before a learned Single Judge of this Court was with regard to the recovery sought to be effected from him by the appellant-Nigam of an amount of Rs.1,20,305/- on account of damaged transformer oil and shortage of missing parts.

(2) Through the impugned judgment the learned Single Judge allowed respondent No.1's claim by considering the facts of the case and relying upon a Division Bench judgment of this Court dated 21.09.2006 in ***CWP No.7949 of 2005 – Ashok Kumar Dhamija Vs. Dakshin Haryana Bijli Vitran Nigam Ltd. and others*** and a judgment by a learned Single Judge of this Court dated 19.01.2012 in ***CWP No.12171 of 2010 – Ajit Singh Vs. Uttar Haryana Bijli Vitran Nigam Ltd.***



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(3) Learned counsel for the appellants does not dispute the fact that respondent No.1 superannuated on 31.01.2016 and at that time no departmental inquiry was pending against him for the alleged loss caused by him which forms the basis of the recovery of Rs.1,20,305/- sought to be made from him from his gratuity. In fact, it is the admitted position that before the impugned recovery no inquiry at all was held before or after respondent No.1's retirement. Learned counsel for the appellants has also not been able to distinguish either of the afore referred two judgments, one by a Division Bench and the other by a learned Single Judge of this Court.

(4) In the light of the above undisputed facts and the position of law laid down by this Court in **Ashok Kumar Dhamija's** case (supra) and **Ajit Singh's** case (supra), no merit is found in the instant appeal and the same is hereby dismissed.

(5) All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

06.11.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

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