



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

227

CWP-21046-2022 (O&M)

Date of decision: 03.12.2025

Kishori Lal

....Petitioner

Versus

Punjab State Power Corporation Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pawan Kumar, Advocate
for Mr. Saurabh Arora, Advocate for the petitioner.

None for the respondents.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned order dated 17.12.2021 (Annexure P-6). Further a writ of *mandamus* has been sought, directing the respondents to release the excess amount of Rs.29,746/- with interest @ 18% p.a., which has been deducted by the respondents from the pension funds of the petitioner at the time of his retirement.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner, after attaining the age of superannuation, retired on 31.03.2006 from the post of Welder. Certain amounts have been deducted from the pensionary benefits of the petitioner which could not have done in view of the settled law laid down by the Hon'ble Supreme Court in *State of Punjab and others vs Rafiq Masih (White Washer) (2015) 4 SCC 334*. The petitioner has made representation before the



respondents and approached this Court by way of CWP-21442-2021 (Annexure P-5), which was disposed of on 25.10.2021 with direction to the official respondents (therein) to decide the legal notice dated 22.04.2016 filed by the petitioner, within a stipulated time of one month. In purported compliance, the impugned order dated 17.12.2021 (Annexure P-6) has been passed whereby an attempt is made to justify the order of recovery with reference to some consent form of a retiree. Even otherwise, this issue is already settled by this Court in **CWP-28761-2025**, titled as ***Ranjit Singh vs State of Punjab and others***, decided on **25.09.2025** that the statutory right of the employee cannot be dislodged by obtaining a general undertaking under the economic duress.

3. Learned counsel for the petitioner, at this stage, submits that he would be satisfied in case the issue involved in the present petition is considered and decided by the Empowered Committee constituted under the Punjab Dispute Resolution & Litigation Policy, 2020 (hereinafter 'Punjab Litigation Policy') which was notified vide Notification dated 25.06.2020.

4. There is no representation on behalf of the respondents.

5. I have heard learned counsel for the petitioner and perused the record with his able assistance.

6. In compliance with the order dated 20.03.2025 passed by this Court in **CWP-7727-2025** titled as ***Paramjit Kaur vs. State of Punjab and others***, the Government of Punjab has constituted an



Empowered Committee vide letter dated 16.04.2025. The said Committee was established under the Punjab Dispute Resolution & Litigation Policy, 2020, which aims to encourage the swift resolution of disputes, reduce future litigation and address the considerable backlog faced by the Courts.

7. In view of the above, the present petition is disposed of in the following terms:-

- i. The Empowered Committee constituted under the Punjab Litigation Policy is directed to treat the present writ petition as a comprehensive representation and consider and adjudicate upon the issue raised herein. In the alternative, the petitioner shall be at liberty to submit a detailed representation setting out the claim within a period of two weeks from the date of receipt of a certified copy of this order.*
- ii. The Committee shall pass a reasoned and speaking order, after granting an opportunity of personal hearing to the petitioner, within a period of four months from the date of receipt of a certified copy of this order or from the date of receipt of the representation of the petitioner, as the case may be. Furthermore, the decision taken thereof shall be conveyed to the petitioner. Needless to say, if the petitioner is found entitled to the relief sought, the same shall be granted to him forthwith.*

8. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

03.12.2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No