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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-32721-2019

Date of Decision:27.11.2025

CHARANJIT KAUR

...Petitioner

Versus

PUNJAB STATE POWER CORPORATION AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.K. Rattan, Advocate
for the petitioner.

Ms. Lavanya Paul, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. The instant writ 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 impugned letters dated 06.01.2012 and 08.09.2006 and further seeking issuance of a writ in the nature of mandamus directing the respondents to grant and release the amount of DCRG (Death-cum-Retirement Gratuity) equivalent to 12 times the emoluments, considering the complete five years of service rendered by the deceased in view of Rule 6.1 of the Punjab Civil Services Rules, Volume-II.

2. Learned counsel for the petitioner *inter alia* submits that the son of the petitioner Sh. Jagjit Kumar, J.E. died in the year 2004, whereas the recovery of ₹88,519/- was ordered after his death on 08.09.2006. The order was conveyed

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imposed upon late son of the petitioner after his death, that too without holding any inquiry. Moreover, the impugned recovery from the retiral benefits without issuing any notice to the legal heirs of the deceased employee is not permissible. The case of the petitioner is squarely covered by the judgment rendered by the Hon'ble Apex Court in *Civil Appeal No.11527 of 2014 titled as State of Punjab and others Versus Rafiq Masih*.

3. Learned counsel for the respondent-Corporation submits that the petitioner has approached this Court after a delay of seven years and no explanation has been given by the petitioner regarding delay, as such the present petition is liable to be dismissed on the ground of delay and laches alone. She further submits that the petitioner had made a representation and on the basis of which out of ₹88,519, an amount of ₹41,404/- was waived off and the actual recovery, which was made from the retiral benefits of the deceased son of the petitioner was ₹47,115/- and the same has been deducted from the gratuity of the deceased employee. She has further relied upon the order passed by this Court in COCP-2360-2014 dated 28.01.2016 (Annexure P-4) and submits that the learned counsel for the petitioner was satisfied with regard to the shortfall in the gratuity, as such the petitioner cannot be allowed to re-agitate the issue again by filing the present writ petition.

4. Learned counsel for the respondent-Corporation further submits that the petitioner again filed CWP-13326-2016, which was withdrawn on 10.07.2019 with a liberty to challenge the order vide which the amount has been recovered.

5. In rebuttal, learned counsel for the petitioner submits that the contempt petition was disposed off on the basis of status report filed by the respondent-Corporation and a shortfall in the gratuity was explained by



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respondent No.2 in their status report and this Court while disposing off the contempt petition relegated the petitioner to his remedies in law in the event of any shortfalls. As such, the petitioner has no other efficacious remedy but to approach this Court by challenging the order of recovery, thus, there is no delay in approaching this Court.

6. Having heard learned counsel for the parties and after perusal of the record with their able assistance, it transpires that the recovery was ordered on 08.09.2006, which was conveyed to the petitioner on 06.01.2012. However, the shortfall in the gratuity and recovery of ₹47,115/- was only conveyed to the petitioner in the status report filed in the contempt petition. Further, the respondent-Corporation has stayed the retiral benefits of the deceased son of the petitioner for a considerable delay and moreover the recovery of ₹47,115/- after the death of the deceased son of the petitioner is contrary to the law laid down by the Apex Court in *Rafiq Masih (supra)*.

7. In the wake of the above discussion and findings, this Court is of the considered opinion that the present petition deserves to be allowed. Accordingly, the impugned letters dated 06.01.2012 and 08.09.2006 are hereby set aside. The respondent-Corporation is directed to pay ₹47,115/- to the petitioner along with interest @ 6% per annum to be calculated from the date of its recovery till its actual realization and the same shall be done within a period of three months from the date of receipt of a certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

27.11.2025

P.Bhatt

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>