



118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25548-2025

Date of decision: 01.09.2025

LILU RAM

...PETITIONER

V/S

MANAGING DIRECTOR, UTTAR HARYANA BIJLI VITRAN NIGAM
LIMITED AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Thakan, Advocate for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant civil writ petition has been filed under Articles 226/227 of Constitution of India seeking issuance of directions for quashing of impugned inaction of the respondents by which, they have recovered the amount from the retiral benefits of the petitioner.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has filed a civil writ petition bearing CWP No.29135 of 2022 before this Court and the same was disposed of vide order dated 24.04.2024, with a direction to count the service of the petitioner as daily wager and release the retiral benefits to him. However, the respondent-department has wrongly recovered the amount of Rs.73,482/- from the gratuity of the petitioner. He further contends that in identical situation, the similarly situated Colleague of the petitioner, namely, Randhir Singh, has filed a writ petition bearing CWP No.14748 of 2022, wherein it has been withheld that recovery from the pensionary benefits of the petitioner is contrary to the settled position of law. Further, the case of the petitioner is squarely covered by the judgment of the Hon'ble Apex Court in State of Punjab and others vs. Rafiq Masih (White Washer) and others, 2015(1) SCT 195.



3. Notice of motion.

4. Mr. Sukhdeep Singh Parmar, Advocate has put in appearance on behalf of the respondents and filed his memo of appearance. On the other hand, he submits that no recovery has been made from the petitioner from his retiral dues. Rather, the deduction of the contribution of the petitioner under Employees' Provident Fund (EPF) scheme was made on account of his contribution towards Employees' Provident Fund.

5. Learned counsel for the petitioner submits that the impugned letter dated 07.12.2022 (Annexure P-3) does not indicate that any deduction is made rather it talks about recovery of Rs.73,482/-.

6. Learned counsel for respondent-Corporation submits that the claim of the petitioner would be considered afresh and a speaking order would be passed within a period of three months.

7. In view of the above, the present petition stands disposed of with a direction to treat the present petition as comprehensive representation and decide the same in accordance with law after affording him an opportunity to be heard, within a period of 03 months from the date of receiving a certified copy of this order. Further, 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 forthwith by the respondent(s).

8. Disposed of accordingly.

September 01, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No