



**110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-14316-2026

Date of decision: 08.05.2026

Shiv Kumar

....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ram Kumar Saini, Advocate
for the petitioner.

Mr. Prince Singh, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the recovery notice dated 06.04.2026 (Annexure P-6) issued by respondent No.4. Further, for issuance of a writ in the nature of *mandamus* directing the respondents not to effect any recovery from the petitioner in pursuance of the impugned recovery notice dated 06.04.2026 (Annexure P-6) and further directing the respondents to refund the amount already deducted from the salary of the petitioner.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was appointed as Assistant Lineman on 30.10.2012 (Annexure P-1).

Thereafter, on rendering satisfactory service, he was promoted to the post

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of Lineman and has been continuously discharging the duties attached thereto. One of the conditions of appointment to the post of Assistant Lineman was to qualify the Safety Code Test. However, the petitioner was neither issued any notice nor informed about the schedule of the said test. The petitioner came to know about the conduct of the test only in December, 2023, which he could not qualify. Consequently, his salary was reduced, compelling him to file CWP No.24727 of 2024. Thereafter, the petitioner successfully qualified the Safety Code Test held on 10.12.2025. Despite having passed the said test, the respondents issued the impugned recovery notice dated 06.04.2026 (Annexure P-6) seeking recovery of an amount of Rs.7,30,155/- for the period from 01.07.2015 to 29.02.2024, which even includes the period prior to the petitioner's promotion. The petitioner submitted a detailed reply dated 23.04.2026 (Annexure P-7), however, the same has not been considered till date.

3. *Per contra*, learned counsel for the respondent-Corporation submits that in terms of the instructions dated 06.08.2012, the petitioner was required to qualify the Safety Code Test within a period of two years from the date of his appointment. It is contended that the petitioner was appointed as Assistant Lineman on 30.10.2012, however, he appeared in the Safety Code Test only in December, 2023 and failed to qualify the same. Accordingly, it is argued that the impugned recovery notice has been issued strictly in terms of the aforesaid instructions and that the petitioner's failure to clear the test for nearly 11 years fully justifies the issuance of the impugned recovery notice. He further reiterates the grounds taken in the impugned recovery notice and

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submits that the recovery has been effected strictly in terms of the aforesaid instructions.

4. Having heard learned counsel for the parties and after perusal of the record with their able assistance, it transpires that the petitioner was appointed as Assistant Lineman on 30.10.2012. The respondent-Corporation not only continued to extract work from the petitioner as Assistant Lineman, but also promoted him to the post of Lineman on 12.03.2018, as discernible from Annexure P-2. Learned counsel for the respondent-Corporation has not been able to produce any notice issued to the petitioner regarding his failure to qualify the Safety Code Test nor any communication informing him about the schedule of the said test.

5. As such, the administrative lapse on the part of the respondent-Corporation is unequivocally established, as such, they cannot be permitted to operate to the detriment of the petitioner. Further, the deduction of salary without issuance of any show cause notice would also not be sustainable in the eyes of law. There is no denial of the fact that the petitioner qualified the Safety Code Test in his second attempt which was held within two years of the test conducted in December, 2023. The failure of the respondent-Corporation to issue any show cause notice or to notify the petitioner regarding the conduct of the said test would amount to a deemed exemption from passing the test for the period prior to December, 2023. Consequently, this Court finds no justification in the action of the respondent-Corporation in seeking recovery from the petitioner.

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6. In view of the discussion above, the present petition is allowed and the impugned recovery notice dated 06.04.2026 (Annexure P-6) is hereby quashed and set aside.

(HARPREET SINGH BRAR)

JUDGE

08.05.2026

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No