2026:PHHC:045462

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

230 **CWP-17886-2020.**
Date of Decision: 23.03.2026.

Narinder Kaur ....Petitioner.

VERSUS

Punjab State Power Corporation Limited, Patiala and another
....Respondents.

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CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vivek Salathia, Advocate for the petitioner.

Mr. K.S. Kang, Advocate for the respondents.

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HARPREET SINGH BRAR, J.

The present petition has been preferred under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing order dated 10.07.2015 (Annexure P-1), vide which respondent-Corporation has erroneously deducted an amount of Rs.7,65,573/- under the head of pending recoveries from the Death-cum-Retirement Gratuity amount of the deceased husband of the petitioner, whereas there was no show cause notice pending or served upon him with regard to the recovery of the said amount and on basis of calculation (Annexure P-6), the amount was deducted two years after the death of the husband of the petitioner. Further, the petitioner is seeking direction to the respondent-Corporation to release the sum of Rs.7,65,573/- deducted by them along with interest at the rate of 18% per annum from the date of accrual till its actual realization.

2. On 26.11.2025, the following order was passed:-

> *"Learned counsel for the petitioner inter alia contends that at the time of the death of the petitioner's husband, no disciplinary proceedings were pending. Learned counsel further refers to the reply filed on behalf of respondents No. 1 and 2 and submits that the petitioner's husband had been issued three charge-sheets, in which, pursuant to two charge-sheets, he was awarded the punishment of stoppage of one annual increment each, and under the third charge-sheet, he was awarded the punishment of stoppage of two annual increments. It is submitted that the respondent-Corporation has deducted an amount of Rs.6,84,174/- on account of alleged shortage of material and a further amount of Rs.76,399/- from the death-cum-retirement gratuity of the deceased employee on account of the aforesaid three charge-sheets. Learned counsel submits that the deduction of the aforesaid amounts is not justified, and it is not clear on what basis the deduction of Rs.6,84,174/- has been made. It is further submitted that these deductions were made unilaterally, without affording any opportunity of hearing or issuing any show-cause notice, and that too after a lapse of two years from the death of the petitioner's husband.*
>
> *Learned counsel appearing for the respondents seeks a short accommodation to address the arguments and to controvert the submissions made by learned counsel for the petitioner.*
>
> *List for arguments on 23.03.2026.*
>
> *To be taken up immediately after the urgent list."*

3. Learned counsel for the respondent-Corporation on instructions from Mr. Vijay Pal Singh, XEN, is not in a position to place on record any show cause notice issued prior to the deduction of the amount in question on account of alleged shortage of the material.

4. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner has made a specific averment that three charge-sheets were issued to the late husband of the petitioner. In pursuance to the two charge-sheets, he was ordered to stoppage of one annual increment each and in third charge-sheet, he was ordered punishment of stoppage of two annual increments and further without initiating any disciplinary proceedings and after the death of the employee, any amount cannot be deducted from the retiral dues of the employee on account of the alleged shortage of the material.

5. The reply filed on behalf of respondents No.1 and 2 does not indicate that on the eve of the retirement of the deceased husband of the petitioner, any disciplinary proceedings were pending. However, the details of three charge-sheets have been furnished in Para No.3 of the preliminary submissions and admittedly all three charge-sheets issued on 26.04.2000, 12.03.2007 and 29.11.2007 have culminated in stoppage of annual increments. As such, in the absence of any disciplinary proceedings, the recovery made from the retiral dues of the deceased husband of the petitioner on account of alleged shortage of the material is not sustainable in the eyes of law.

6. This Court in **Rajinder Singh v. Uttar Haryana Bijli Vitran Nigam and others,** passed in **CWP-36946-2025 decided on 11.12.2025** has dealt with similar controversy as involved in the present case and relevant para Nos.5 and 6 are reproduced as under:-

> *"5. From the perusal of the record, it is evident that the respondent/Nigam has unilaterally deducted a sum of Rs.4,56,734/- from the gratuity of the petitioner without issuing*

any charge-sheet, conducting any departmental inquiry or affording an opportunity of hearing to the petitioner. The show-cause notice dated 09.04.2020 (Annexure P-1) alone cannot substitute the mandatory requirement of giving an opportunity of being heard before effecting any recovery, particularly when the entire disputed amount along with interest had already been recovered by the respondent/Nigam, from the consumers in the month of December, 2019. There is no material on record to indicate that any financial loss was suffered by the respondent/ Nigam on account of the petitioner's alleged act and the continued inaction on the representations submitted by the petitioner further shows that the recovery was effected unfairly.

6. The issue involved in the present writ petition is no longer res integra. The Division Bench of this Court in ***Ashok Kumar Dhamija v. Dakshin Haryana Bijli Vitran Nigam Limited and others,*** *passed in* ***CWP-7949-2005, decided on 21.09.2006*** *and* ***Surjeet Singh Bedi v. Dakshin Haryana Bijli Vitran Nigam Limited and others,*** *passed in* ***CWP-1062-2012, decided on 04.12.2013*** *and* ***Kirat Gopal vs Haryana Vidyut Parsaran Nigam Limited and others,*** *passed in* ***CWP13039-1999, decided on 20.03.2000****, has already held that where amounts have been illegally recovered from an employee, the same shall be refunded along with interest. The relevant part of the judgment passed in* ***Ashok Kumar Dhamija****'s case (supra), reads as follows:-*

> *"Having heard the learned counsel for the parties, we are of the considered view that the respondents could not have with-held any amount of gratuity payable to the petitioner on account of allegation which have emanated after the date of his retirement. Such a course is not available to the respondents. In some what similar circumstances, this Court has earlier also in the case of* ***Hans Raj Sharma v. Uttar Haryana Bijli Vitran Nigam Limited and others (Civil Writ Petition No.152 of 2004, decided on October 29, 2004****) has allowed the writ petition by following the judgment of Hon'ble the Supreme Court in* ***P.R. Naik v. Union of India, AIR 1972 SC 554****. It has been laid down in the aforementioned judgment that issuance of*

charge-sheet for initiation of departmental enquiry is a sine qua non.

In view of the above, we allow the writ petition and quash the impugned order dated March 1, 2005 (P-14). We further direct the respondents to release the balance of gratuity amount to the petitioner within a period of one month from the date a certified copy of this order is presented to the respondents. In case, the needful is not within one month, then the petitioner shall be entitled to interest at the rate of 6% per annum from the date the amount is payable till its actual payment."

7. In view of the discussion above, the present petition is allowed. Consequently, the order dated 10.07.2015 (Annexure P-1), is hereby quashed and set aside. The respondent-Corporation is directed to release to the petitioner a sum of Rs.7,65,573/- deducted by them along with interest at the rate of 6% per annum from the date of its recovery till its actual realization within a period of three months from the date of receipt of certified copy of this order.

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

(HARPREET SINGH BRAR)
JUDGE

23.03.2026
jitender

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No