



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

244

CWP-31388-2024.**Date of Decision: 17.03.2026.**

Kailash Chand

....Petitioner.

VERSUS

State of Haryana and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vijay Pal, Advocate and
Mr. Akash Lather, Advocate for the petitioner.

Mr. Saurabh Girdhar, Assistant Advocate General, Haryana.

Ms. Rajni Gupta, Advocate for respondents No.2 to 5.

HARPREET SINGH BRAR, J. (Oral)

Prayer in this petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of *certiorari* for quashing order dated 22.09.2023 (Annexure P-4), whereby recovery of Rs.9,12,246/- from the pensionary benefits of the petitioner was ordered; quashing of order dated 23.05.2024 (Annexure P-16), passed in Appeal dated 06.10.2023 (Annexure P-15) as well as Inquiry Report dated 24.04.2020 (Annexure P-9). The petitioner has further sought issuance of a writ in the nature of mandamus directing the respondents to refund the recovered amount of Rs.5,47,348/- along with interest @ 18% per annum.

2. On 16.02.2026, this Court had passed the following order:-

“Ms. Mehak Sharma, Advocate, has filed Memo of Appearance on behalf of respondent Nos.2 to 5. The same is taken on record.

*Learned counsel for the petitioner refers to the impugned order dated 22.09.2023 (Annexure P-14) and submits that the order was passed by the Chief Engineer, being the Punishing Authority. However, the same was conveyed by the respondent-establishment and not by the competent authority. As such, on this ground, the present petition is liable to be allowed in terms of the judgment rendered by the Coordinate Bench of this Court in **Suresh Pal v. Uttar Haryana Bijli Vitran Nigam Ltd., 2025 SCC online P&H 2205**. Further, he refers to the impugned order (Annexure P-16) and submits that the statutory appeal filed by the petitioner against the order of the Punishing Authority was again decided by the Chief Engineer, whereas the Appellate Authority is the Director of Operation. Learned counsel for the petitioner further submits that the impugned order clearly indicates that the establishment order (Annexure P-14) was passed by the Chief Engineer but was conveyed by the Superintendent, Establishment, and the statutory appeal filed by the petitioner was also decided by the same authority, i.e., the Chief Engineer, as is evident from Annexure P-16.*

Learned counsel for the respondent Nos.2 to 5 seeks a short accommodation to have complete instructions in this regard. Adjourned to 17.03.2026.

To be taken up immediately after the urgent list.”

3. Learned counsel for respondents No.2 to 5 at the outset submits that the appeal of the petitioner would be decided afresh by affording an opportunity of hearing to the petitioner in a time bound manner.

4. In view of the above statement of learned counsel for respondents No.2 to 5, learned counsel for the petitioner submits that the instant writ petition may be disposed of. However, the appellate authority be directed to consider the written submissions on the case law cited by the petitioner after

affording adequate opportunity to the petitioner to raise his defence and the appellate authority may also be directed to decide the appeal in a time bound manner.

5. In view of the above, the present petition is disposed of with a direction to the concerned appellate authority to consider the appeal filed by the petitioner and decide the same expeditiously within a period of two months from the date of receiving a certified copy of this order. Needless to say that the petitioner would be at liberty to submit his written submissions along with the case law. In case the petitioner files the written submissions and the case law, the same shall be considered by the appellate authority while deciding the appeal of the petitioner.

4. Disposed of, accordingly.

(HARPREET SINGH BRAR)
JUDGE

17.03.2026

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No