



108

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

**CWP-38619-2025 (O&M)
Date of decision: 20.01.2026**

Wazir Singh and another

... Petitioners

Vs.

Dakshin Haryana Bijli Vitran Nigam Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Divyansh Shukla, Advocate for
Mr. Sukhdeep Parmar, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. 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* seeking quashing of letters/memos dated 15.04.2025 & 24.07.2025 (Annexures P-2 & P-3 respectively) issued by respondent No.3, whereby recovery from the retiral dues of the petitioners was ordered and further to issue a writ in the nature of *mandamus* directing the respondents to refund the recovered amount to them and also to pay the interest @24% per annum on



the delayed payment of pension and pensionary benefits including gratuity, leave encashment and commutation from the date of their retirement till the date of actual payment.

2. Learned counsel for the petitioners, *inter alia*, contends that the petitioners were appointed on 01.02.1982 and 21.12.1997 and after serving the respondent-Corporation, petitioner No.1 Wazir Singh and petitioner No.2 Dalbir Singh retired on 31.08.2019 and 28.02.2019, respectively, however, their pensionary benefits were not released on due date. The pension of the petitioners was released only on 06.01.2022, whereas benefits of Death-cum-Retirement Gratuity (DCRG), leave encashment and commutation were released on 15.04.2025 and 24.07.2025, as discernible from Annexures P-2 & P-3 respectively. However, recovery of Rs.2,27,067/- from petitioner No.1 and that of Rs.73,791/- from petitioner No.2 was illegally ordered from the benefits of DCRG on the ground of shortage of transformer oil and damage to transformers. Admittedly, on the eve of retirement of the petitioners, there was no pending chargesheet or disciplinary proceedings against them and the recovery from their DCRG was made without affording an opportunity of hearing or issuance of show cause notice.

3. Learned counsel for the petitioners submits that identical case came up before this Court for consideration, wherein recovery was ordered on account of some shortage in the material post-retirement. In support of his contentions, learned counsel relies upon judgments passed by the Coordinate Benches of this Court in ***CWP-11701-2011*** titled as ***Dalip Singh Godara Vs.***



Dakshin Haryana Bijli Vitran Nigam Limited and others, decided on 23.10.2017 (Annexure P-4), ***CWP-2393-2015*** titled as ***Hans Raj Vs. Uttar Haryana Bijli Vitran Nigam Limited and others***, decided on 17.04.2017 (Annexure P-5) and ***CWP-26406-2015*** titled as ***Subha Chand Vs. State of Haryana and another***, decided on 06.11.2019 (Annexure P-6).

4. *Per contra*, learned counsel for the respondents could not controvert the fact that at the time of retirement of the petitioners, no chargesheet or disciplinary proceedings were pending against them and the impugned recovery was ordered without issuance of show cause notice or affording an opportunity of hearing.

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

6. The issue involved in the present petition is no longer *res integra*. This Court in ***Dalip Singh Godara***'s case (*supra*) has already considered and decided this issue, by making the following observations: -

“As regards withholding an amount of Rs.2,21,171/- from the leave encashment, on account of shortage of oil and cost of missing parts of damaged transformers, Rule 2.2(b) of Punjab Civil Services, Volume 2, Part -1, deals with the situation of withholding of retiral benefits of any employee. As per the said Rule, retiral benefit of a retiree can be withheld only in case any disciplinary proceeding is pending against the retiree on the date of retirement. Admittedly, neither there was any enquiry pending against the petitioner nor was he chargesheeted for any misconduct at the time of his retirement. It is a settled proposition of law that mere issuance of show cause notice does not mean pendency of disciplinary enquiry and issuance of chargesheet is sine-qua-non for initiation of enquiry under



Punishment & Appeal Rules; and for shortage of oil & cost of missing parts of damaged transformers, no such type of recovery can be effected. Impugned instruction dated January 01, 2003 (Annexure P-1) is not sustainable in the eyes of law to the extent by which benefit has been restricted upto a maximum of 5% in case of breakage and 20% in case of shortage of transformer oil. As such, action of the respondents in withholding an amount of Rs.2,21,171/- from leave encashment is arbitrary, illegal and deserves to be quashed. Ordered accordingly.”

7. In view of the above, present writ petition is allowed and the impugned letters/memos dated 15.04.2025 & 24.07.2025 (Annexures P-2 & P-3 respectively) issued by respondent No.3, ordering recovery from the retiral dues of the petitioners, are hereby set aside. The respondents are directed to release the withheld/recovered amount to the petitioners along with interest @6% per annum, to be computed after two months of their date of retirement, in terms of judgment rendered by the Full Bench of this Court in ***A.S. Randhawa Supg. Engineer (Retd.) Vs. State of Punjab, 1998 (1) SCT 34*** till the date of actual payment, within a period of three months from the date of receipt of certified copy of this order

8. The pending miscellaneous application(s), if any, shall stand disposed of.

[HARPREET SINGH BRAR]
JUDGE

20.01.2026
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No