

(2020) 01 P&H CK 0042

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 10162 Of 2016

Raj Kumar Rohilla

APPELLANT

Vs

Uttar Haryana Bijli Vitran Nigam And Others

RESPONDENT

Date of Decision : 08-01-2020

Acts Referred:

Citation : (2020) 01 P&H CK 0042

Hon'ble Judges : Nirmaljit Kaur, J

Bench : Single Bench

Advocate : Ram Niwas Sharma, Abhilaksh Grover, Sidhant Bhonsle, Rajesh Kumar

Final Decision : Allowed

Judgement

Nirmaljit Kaur, J

1. The present writ petition has been filed for quashing of order dated 14.07.2015, vide which, an amount of Rs. 2,75,989/- was recovered from Death-cum-Retirement Gratuity of the petitioner without issuing any notice, charge sheet or without conducting any enquiry.

2. The facts are not disputed. In fact, it is an admitted position that no show cause notice or charge sheet was issued and no enquiry was held. In spite of the same, the amount has been recovered from the gratuity of the petitioner at the time of releasing his retiral benefits.

3. Learned counsel for the respondents however states that the charge sheet has been issued on 10.09.2014, which is admittedly after two years of the retirement of the petitioner. In fact, their own order dated 01.01.2015 has been placed on record today before this Court, which was passed soon after they had realized their mistakes. As per the said order, an amount of Rs. 2021/- was ordered to be recovered from the pensionary benefits of petitioner-Raj Kumar Rohilla. Obviously, the said order has been passed to save their skin. If it is so, the petitioner was in any case, entitled to release of the recovered amount of Rs.

2,75,989/- after passing of the order dated 01.01.2015. The same has not been paid till date.

4. Mr. Abhilaksh Gover, Advocate, counsel for the respondents on instructions from Mr. Rajesh Kumar, Lower Divisional Clerk, who is present in the Court, states that they shall release the amount forthwith.

5. In view of the above, the present writ petition is allowed and the respondents are directed to release the amount of Rs. 2,75,989/- to the petitioner alongwith interest @ 9% from the date of his retirement till the payment.

6. At this stage, learned counsel for the petitioner has pointed out that even the retiral benefits for reasons best known for which no explanation is forthcoming were released on 12.03.2015, after a lapse of three years, whereas, the petitioner has retired way back on 31.03.2012. Accordingly, the interest @ 9% on the said delayed payment from the date of his retirement till the date of release of these pensionary benefits too shall be paid to the petitioner.

7. It is clarified that in case the said amount as ordered above, is not paid within 15 days from today, the respondents shall recover the amount from the officer concerned, who has delayed the payment of the pensionary benefits and recovered the amount of Rs. 2,75,989/- without issuing any notice, charge sheet and without holding any enquiry.