
(2012) 07 P&H CK 0014

In the Punjab And Haryana At Chandigarh

Case No : C.W.P. No. 19171 of 2009 (O and M)

Surinder Kaur

APPELLANT

Vs

Punjab State Electricity Board and others

RESPONDENT

Date of Decision : 17-07-2012

Acts Referred:

Citation : (2012) 07 P&H CK 0014

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Advocate : V.K. Shukla, for the Appellant; P.S. Mattewal, for the Respondent

Judgement

Rajesh Bindal, J.—The widow of a deceased employee of the erstwhile Punjab State Electricity Board has approached this court claiming that amount of Rs. 2,82,663/- , on account of gratuity payable to the deceased employee, has not been paid to her. Learned counsel for the petitioner submitted that vide order dated 8.12.2008 (Annexure P-11), Rs. 13,79,427.98 have been shown to be recoverable from the deceased-husband of the petitioner, on account of which after adjusting Rs. 2,82,663/- payable on account of gratuity, Rs. 10,96,764.98 have still been shown to be recoverable. Referring to the details furnished in the aforesaid order, learned counsel for the petitioner submitted that demand was raised against the deceased husband of the petitioner of Rs. 1,72,314.98 vide order dated 4.5.1993 after issuing show cause notice to him. Out of this amount, Rs. 35,714/- have been recovered before the death of the husband of the petitioner and balance of Rs. 1,36,600.98 still remain to be recovered. There is no dispute about that. As far as amount of Rs. 1,75,732/-; Rs. 10,61,544/- and Rs. 5,551/- shown to be recoverable from the deceased husband of the petitioner is concerned, the submission of learned counsel for the petitioner is that no show cause notice or charge-sheet was ever issued to him during his entire service career before his death and the same cannot be recovered at this stage.

2. Learned counsel for the respondents fairly submitted that before raising demand of Rs. 10,61,544/- and Rs. 5,551/- , as per the record available with the

respondents, no show cause notice or charge-sheet was ever issued to the deceased husband of the petitioner. As far as Rs. 1,75,732/- are concerned, he submitted that it includes Rs. 1,44,670/-; Rs. 12,908/- and Rs. 18,154/-. He also fairly submitted that in civil suits filed by the petitioner, orders for recovery of Rs. 1,44,670/- and Rs. 12,908/- were set aside vide Annexures P-1 and P-2 and for the remaining amount of Rs. 18,154/- no disciplinary proceedings were initiated. However, a finding has been recorded that there was some shortage in material, the possession of which was with him. He could not even refer to the dates on which the demand for the aforesaid amounts was raised against the deceased husband of the petitioner and also the order, if any, passed by any authority raising demand against the deceased husband of the petitioner.

3. Heard learned counsel for the parties and perused the paper book.

4. As far as amount of Rs. 1,36,600.98 is concerned, learned counsel for the petitioner does not dispute that the aforesaid amount is due from her deceased husband after adjusting some of the amount paid by him during his life time against a demand of Rs. 1,72,314.98 raised against him vide order dated 4.5.1993.

5. As far as other three demands shown to be pending against the deceased husband of the petitioner are concerned, in my opinion, that amount cannot be recovered from the petitioner considering the fact that demands of Rs. 1,44,670/- and Rs. 12,908/- have been set aside by the Civil Court in suits filed by the deceased husband of the petitioner, appeals against which were dismissed and there is no order produced by the respondents vide which demand for the balance amount was raised against the deceased husband of the petitioner and the date thereof. It is not disputed that the deceased employee was never issued any show cause notice before raising such a demand, hence, the same cannot be recovered from the petitioner.

6. Considering the aforesaid submissions and the fact that Rs. 2,82,663/- is due to be paid to the petitioner on account of gratuity payable to the deceased employee, after adjusting Rs. 1,36,600.98, the balance amount be paid to the petitioner within a period of one month from the date a certified copy of this order is received by the respondents. The writ petition stands disposed of in the above terms.