

2025.PHHC.123245



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

222

CWP-926-2020

Date of Decision: 09.09.2025

BALWINDER SINGH

....PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION LIMITED AND ORS

....RSPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pankaj Sharma, Advocate
for the petitioner.

Mr. Parminder Singh, Advocate
for respondent-Corporation.

HARPREET SINGH BRAR, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India in the nature of Certiorari for quashing the Gratuity Pay Order dated 02.01.2019 (P-3) issued by respondent No.5, whereby the amount of Rs.2,38,356/- has been deducted from the gratuity of the petitioner, with further direction to the respondent-Corporation to restore the promotional increment given to the petitioner at the time of promotion as ALM on 31.03.1994 by refixing his salary from 01.04.1995.

2. Learned counsel for the petitioner submits that he confines his prayer in the present writ petition only to the extent of recovery made by the respondent-Corporation from the gratuity of



the petitioner after 02 years from his retirement. The petitioner retired on 31.12.2017 as Lineman from the respondent-Corporation and the recovery was ordered in the year 2019. The case of the petitioner is squarely covered by the judgment of the Hon'ble Supreme Court in the case of **State of Punjab and others Vs. Rafiq Masih, reported as 2015 (4) SCC 334** and there was no misrepresentation or fraud on the part of the petitioner for the pay fixation.

3. Learned counsel for the respondent-Corporation is not in a position to controvert the fact that the case of the petitioner with regard to impugned recovery is covered by the judgment of the Hon'ble Supreme Court in the case of **State of Punjab and others Vs. Rafiq Masih (supra)** and the judgment of this Hon'ble Court in the case of **CWP No.11170 of 2016 titled Chandigarh Transport Undertaking Vs. Nachhattar Singh, reported as 2024 PHHC 002224.**

4. In view of the above, the present petition is allowed to the extent of setting aside the impugned order dated 02.01.2019 vide which recovery of Rs.2,38,356/- has been effected from the gratuity of the petitioner. The respondent-Corporation is directed to reimburse the amount of gratuity along with interest @ 6% per annum calculated from the date of deduction until the actual reimbursement.

**(HARPREET SINGH BRAR)
JUDGE**

09.09.2025

NainaRajput

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No