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

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Date of Decision: 08.04.2025

Dipawali Devi

...Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Ajay Kamboj, Advocate for the petitioner

Ms. Rajni Gupta, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to the respondents to release ₹2,23,498/- which was deducted from her husband's gratuity.
2. The petitioner is widow of Ram Kumar who was working with respondent as Assistant Lineman. He retired on 31.12.2010. The respondent delayed release of his retiral dues. Finally, the respondent released his pension and other dues in December' 2016. As per communication dated 29.06.2012 (Annexure P-8), some amount was outstanding against him on account of shortage of oil, missing parts, misc. charges and misc. advances. The respondent deducted a sum of ₹2,23,498/- from his gratuity. He passed away on 08.06.2022.



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3. Mr. Ajay Kamboj, Advocate submits that respondent has wrongly withheld aforesaid amount from the gratuity of the deceased employee. The action of the respondent was bad in the eye of law.

4. On being asked reason of inordinate delay in approaching this Court, learned counsel for the petitioner submits that employee was not well in 2016 and thereafter, he was busy in the marriage of his daughters, thus, could not lodge complaint during his lifetime. Now, the petitioner has realized that respondent has wrongly withheld aforesaid amount, thus, instant petition.

5. From the perusal of communication dated 29.06.2012 (Annexure P-8), it is evident that some amount was pending against the petitioner's husband. The respondent released gratuity in December' 2016 after deducting aforesaid amount. The petitioner's husband remained silent for six years and the petitioner also remained silent for three years from the date of death of her husband. The cause of action arose in 2016 whereas the petitioner has approached this Court in 2025. There is no plausible reason for delay in approaching this Court.

6. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

08.04.2025

Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No