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

**LPA-458-2018 (O&M)**

***Date of Decision: 22<sup>nd</sup> September, 2025***

*OM PARKASH RANGA*

*.....Appellant(s)*

V/s.

*DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD. THROUGH ITS  
MANAGING DIRECTOR, VIDHYUT SADAN, HISAR, HARYANA AND  
OTHERS.*

*.....Respondent(s)*

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA  
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present Mr. Balraj Singh, Advocate for the appellant.

Mr. Hitesh Pandit, Advocate for the respondents.

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**ASHWANI KUMAR MISHRA, J. (Oral)**

1. This Appeal arises out of an order dated 16.01.2018, passed by the learned Single Bench in *CWP-9797-2015*, whereby the action of the employer in withholding a sum of ₹2,63,540/- from the retiral benefits of the appellant/writ petitioner, has been affirmed.

2. Undisputedly, the appellant/writ petitioner was employed in the office of Executive Engineer-cum-Deputy General Management, Operation suburban Division, Dakshin Haryana Bijli Vitran Nigam Ltd. and attained the age of superannuation on 30.09.2013. On the date of his superannuation, no departmental or criminal proceedings were initiated or pending against him. It is after his superannuation that the authorities withheld a sum of ₹2,63,540/- on the charge that there was certain shortage of D/T/F, oil and missing parts were attributed to the appellant/writ petitioner.

3. The appellant/writ Petitioner contended that in fact his liability in respect of such shortage was never determined in accordance with any procedure established by law and therefore, withholding of retiral benefits was impermissible.

4. Learned Single Judge has dismissed the Writ Petition after noticing the assertion of the employer that after the appellant/writ petitioner had superannuated, he was issued 18-19 notices in respect of the alleged shortage of materials, which was not responded to by the appellant/writ petitioner.

5. Learned counsel for the appellant submits that issuance of notice before or after the superannuation would not be of much avail, as no proceedings were ever initiated by the employer to hold that the appellant/writ petitioner was responsible for the alleged shortage of materials.

6. Learned counsel for the respondents opposes the prayer made by the appellant in the present Appeal relying upon the observations of the learned Single Judge.

7. We have heard learned counsel for the parties and perused the materials on record.

8. It is undisputed that on the date when the appellant/writ petitioner retired, no disciplinary proceedings were either initiated or pending against him. Even after his retirement, no proceedings were ever initiated against him. The question as to whether, the appellant/writ petitioner was liable for any losses caused to the employer, was a question which could have been determined only in regular disciplinary proceedings.

No disciplinary proceedings were ever initiated against the appellant/writ petitioner. No provision in law is otherwise shown under which such liability could be fastened upon the appellant/writ petitioner. In such circumstances, withholding the amount of gratuity was clearly impermissible and the contrary view of the learned Single Bench cannot be sustained.

9. In that view of the matter, the present Appeal succeeds and is **allowed**. Order dated 16.01.2018 passed by the learned Single Judge is set aside. Direction is hereby issued to the employer to release the withheld amount of ₹2,63,540/- in respect of gratuity, to the appellant/writ petitioner, along with interest as quantified @ 8% per annum.

10. All pending applications, if any, in this case are disposed of accordingly.

**[ASHWANI KUMAR MISHRA]  
JUDGE**

**[ROHIT KAPOOR]  
JUDGE**

**September 22, 2025**

*Ess Kay*

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>