



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

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CWP-29047-2022

Date of Decision: **August 28, 2025**

Naval Kishore

.....Petitioner

VERSUS

Punjab State Power Corporation Limited and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Ekompal Sagoo and Ms. Gurneet Sagoo, Advocate for respondents-PSPCL.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari on the following prayers:-

i) *“Quash the order dated 07.10.2022(Annexure P-6) passed by respondent No.4, whereby an amount of Rs.6,20,347/- has been recovered from the gratuity of the petitioner without any office order, personal hearing and an opportunity to the petitioner on account that the two increments which were given in September, 2001 on the promotion from Lineman to Junior Engineer, the same increments were wrongly given and thus, the recovery is being effected from the petitioner that too after retirement of the petitioner as petitioner retired from the post of Assistant Engineer (AE) on 31.03.2022 and the recovery effected on 07.10.2022(P-6) from the gratuity pay order. Thus, the benefit given to the petitioner way back in 2001 cannot be recovered now by way of recovery as the action of the respondent-Corporation is totally against the settled law of Hon’ble Supreme Court in case of “Stateof Punjab V/s Rafiq Masish” reported as 2015(4) SCC*



Page 334 and also in case of “Syed Abdul Qadir and ors Versus State of Bihar and others.” reported in 2009(1) SCT 611.

ii) Further directing the respondent corporation to return/release the amount of gratuity of Rs.6,20,347/- to the petitioner, which has been wrongly recovered from the petitioner after retirement along with 18% rate of interest to the petitioner. The same has been recovered after retirement which took place on 31.03.2022 as Assistant Engineer.”

2. Learned counsel for the petitioner inter alia contends that the petitioner has been appointed as Lineman in the Board on 04.03.1987. The petitioner further got proficiency step-up on 04.03.1995 on completion of requisite service. The petitioner further got promoted as JE Electrical w.e.f. 30.08.2001 and ultimately on 31.03.2022, he retired as Assistant Engineer from the respondent-Board. Further, at the time of payment of gratuity the respondent-Corporation recovered the amount of Rs.6,20,347/- from the petitioner on the ground that the benefit of promotional increment on becoming Junior Engineer given in the year 2001 has been given wrongly (Annexure P-6). Further, the he has not made any representation for the amount already released by the respondent-Corporation to the petitioner.

3. Learned counsel for the petitioner further submits that the case of the petitioner is squarely covered by the settled law of Hon’ble Supreme Court in the case of “*State of Punjab Versus Rafiq Masih 2015(4) SCC Page 334*’ and ‘*Syed Abdul Qadir Versus State of Bihar and others*’ 2009(1) SCT 611. Learned counsel for the petitioner further submits that the petitioner is entitled to the interest on recovered amount in terms of the judgment rendered by a Full Bench of this Court in *A.S. Randhawa Supg. Engineer*



Retd.) vs. State of Punjab 1998 (1) SCT 343 wherein it was opined that disbursement of pension and other benefits payable at retirement must be done in a timely manner. Any delay over a period of two months, qua the said disbursement would entitle the retired employee to claim interest on the amount due. Speaking through Justice N.K. Sodhi, the following was held:

*“9. Since a Government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retiree in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months from the date of retirement which time limit has been laid down by the Apex Court in *M. Padmanabhan Nair's case (supra)*. If the State commits any default in the performance of its duty thereby denying to the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of his retirement. Again, as to what should be the rate of interest, it should, in our view, be generally 12% unless the circumstances of a particular case warrant the payment of a higher rate which may extend to even 18%.”(emphasis added)*

Reliance in this regard may also be placed on the judgments rendered by the Hon’ble Supreme Court in *S.K. Dua vs. State of Haryana (2008) 3 SCC 44* and *State of Kerala vs. M. Padmanabhan Nair (1985) 1 SCC 429*.

4. Learned counsel for the respondent did not controvert upon the judgments relied by the learned counsel for the petitioner and the impugned recovery made from the petitioner without issuing any notice to the petitioner.

5. I have heard the learned counsel for the petitioner as well as the respondent and gone through the case file.



6. It transpires that no misrepresentation or fraud is seen on the part of petitioner and there is no allegation against the petitioner has been made by the respondent-Corporation towards over payment and as such, recovery of excess amount that has already been paid to the petitioner is not sustainable in view of the judgment relied in case *State of Punjab Versus Rafiq Masih 2015(4) SCC Page 334*.

7. In view of the facts and circumstances of the present case, the present writ petition is allowed and the impugned order dated 07.10.2022 (Annexure P-6) is set aside in terms of the judgment passed in the case *State of Punjab Versus Rafiq Masih 2015(4) SCC Page 334*. The respondents/competent authority is further directed to pay the recovered amount along with interest @ 7.5% calculated from the date of recovery till the date of actual payment, in terms of the judgment passed in case of *A.S. Randhawa and S.K. Dua (supra)* within a period of three months @ 7.5% interest per annum on receiving the certified copy of this order.

8. Disposed of, accordingly, so also the pending miscellaneous application(s), if any.

(HARPREET SINGH BRAR)
JUDGE

August 28, 2025

P.C

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No