

SUPREME COURT OF INDIA

Haryana State Electricity Board

Vs.

Chander Pal Singh

C.A.No.3252 of 2008

(S.B. Sinha and Lokeshwar Singh Panta JJ.)

02.05.2008

ORDER

1. Leave granted.

2. The grievance of the appellants is that a sum of Rs.46,221/- had wrongly been paid to the respondent as he was put on a wrong scale of pay. It is that amount which is now sought to be recovered.

3. The respondent herein filed a writ petition questioning the said action on the part of the appellants herein. The said amount was sought to be recovered by way of an adjustment from the amount of gratuity payable to the respondent.

4. The appellants did not file any counter affidavit before the High Court. The High Court by reason of the impugned judgment not only directed the appellants to return the said sum of Rs. 46,221/- to the respondent forthwith, but also imposed a costs of Rs. 25,000/- as compensation for illegally encroaching upon his right to gratuity. The appellants are, thus, before us.

5. There cannot be any doubt, whatsoever, that all administrative bodies are entitled to rectify their mistake and for the said purpose, if an administrative order is required to be passed, they are not denuded therefrom.

6. The respondent herein, however, has retired from service in 1997. He was otherwise entitled to the amount of gratuity. The amount of gratuity should not, ordinarily, have been withheld. We, therefore, are of the opinion that interest of justice would be subserved if we exercise our jurisdiction under Article 142 of the *Constitution of India* and direct the appellants to comply with the High Court's order and at the same time set aside that portion of the High Court's order whereby the appellants herein have been asked to pay a sum of Rs.25,000/- to the respondent, as compensation for illegally encroaching upon his right to gratuity. It is directed accordingly. The appellants, thus, shall not recover the amount of Rs.46,221/- from the respondent.

7. The appeal is disposed of accordingly.