IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.518 of 2014 (O&M)
Date of Decision: 01.10.2015

Sukhwant Singh Mann
... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sukhraj Singh Brar, Advocate,
for the petitioner.

Mr. Harkesh Manuja, Addl. AG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

The petitioner retired on January 31, 2012 and charge-sheet has been issued on February 17, 2014 for committing misconduct.

The petitioner is in receipt of pension till the date of filing the petition which is being paid @ 80% of his pension. Gratuity amounting to Rs.7,92,000/- has not yet been paid to the petitioner.

Mr. Manuja after seeking instructions from the Director, Food & Supplies, Punjab informs the Court that the disciplinary proceedings will be finalized within two months. They relate to a charge of causing financial loss to the Government. It is well settled that gratuity is a one time payment which fructifies on the date of retirement on reaching the age of superannuation. Therefore, gratuity became due and payable in January 2012. Withholding of amount of gratuity is illegal and unwarranted as it is a one-time payment and, therefore, the amount would now have to be paid within 7 days with interest @ 7% per annum simple, running from January 2012.

Learned counsel for the petitioner informs the Court that Rs.10,000/- was deducted from pension towards income tax due while it should not have been so deducted and this is one of his grievances. If this is true then the petitioner will make an application to the competent authority requesting redressal who will decide this issue together with the disciplinary proceedings and finalized both within two months as the petitioner has already suffered on account of unreasonable delay. The petitioner would submit his written request on the tax issue within 7 days from today to the competent authority. The completion of the disciplinary proceedings and communication of the final orders on it be concluded within two months from the date the certified copy of the order is made available together with the claim for refund of income tax deducted from pension dues.

Consequently, the petition is disposed of with the above directions.

(RAJIV NARAIN RAINA)
JUDGE

01.10.2015
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