

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

226

CWP No.9214-2014

Date of Decision: 03.09.2015

KULWANT KAUR SANDHU

....Petitioner.

VERSUS

THE STATE OF PUNJAB & ANR

....Respondents.

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. K.S Bassi, Advocate,
for the petitioner.

Mr. Anshul Gupta, AAG, Punjab.

P.B BAJANTHRI, J. (Oral)

In this petition, the petitioner has prayed for direction to the respondents to release the gratuity amount, pension and other retiral benefits along with interest @ 24 % per annum from the date of retirement i.e. 31.12.2010.

The reasons for withholding retiral benefits of the petitioner is that some inquiry is pending. The respondents have filed statement of objections and perusal of the same reveals that no chargesheet has been filed and they are relying on preliminary inquiry report regarding complaint from one Sh. Bakhtawar Singh. That report was prepared on 01.07.2014 and the same was forwarded to

the disciplinary authority. The disciplinary authority has closed the proceedings on 26.06.2014. In view of these facts and circumstances, the petitioner was not subjected to any disciplinary proceedings by framing article of charge. Therefore, withholding of retiral benefits is highly arbitrary on the part of the respondents.

During the pendency of this petition, it is learnt that retiral benefits have been settled to the petitioner. However, interest has not been paid on the belated settlement of retiral benefits. The respondents are directed to calculate interest on the belated settlement of retiral benefits and to pay the interest to the petitioner within a period of **four weeks**.

The petition is, accordingly, allowed with costs of Rs. 5,000/-.

At this stage learned State counsel submitted that the petitioner did not submit pension papers to settle his pensionary benefits and there is delay of nearly one year. On the other hand conduct of the State and department is to be taken note that petitioner has retired in the year 2010. Till 2014 without initiating departmental inquiry and merely relying on preliminary inquiry his entire retiral

benefits have been withheld therefore, even if the petitioner had submitted pension papers belatedly, the petitioner is entitled for the interest as ordered.

03.09.2015

PA

**(P.B BAJANTHRI)
JUDGE**