

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

**CWP No. 15366 of 2013
Date of decision : 08.02.2016**

M.S. Malhan

...Petitioner

versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Naveen Jaglan, Advocate for
Mr. S.S. Nara, Advocate
for the petitioner.

Mr. Pardeep Singh Poonia, Advocate
for the respondents.

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

RITU BAHRI , J.

Petitioner who was appointed on 01.01.1970 as Work Charge Store Munshi in the office of Xen C/Store HSEB Rohtak and now UHBVN, retired on 31.03.2003 after attaining the age of superannuation as A.S.O but his pensionary benefits were not released to him despite the fact that the charges levelled against him for recovery of Rs. 4.20 lacs was set aside, vide order dated 09.03.2012, which was passed in compliance of order passed by this Court in CWP No. 20366 of 2008, decided on 25.05.2011. However, vide order dated 09.03.2012, the

punishment of recovery of Rs.78,400/- on account of the cost of 220 PCC Poles, was upheld. The department released the amount to the petitioner, vide Cheque No. 898254 for Rs.44,050, Cheque No. 397911 for Rs.2,83,482/- and Cheque No. 897937 for Rs.1,41,323/-

The short point for consideration before this Court that once vide order dated 09.03.2012, charge with regard to recovery of Rs. 4.20 lacs was set aside, thereafter, the petitioner was entitled to get interest on this amount from the date of his retirement, as per notification dated 20.02.2002, which was approved by the department on 11.12.2008 (P-6).

Learned counsel for the petitioner contends that as per settled law, an amount of Rs.4.20 lacs is to be released to the petitioner within three months from the date of retirement but this amount was paid in the year 2012 as per Annexure P-2 to P-4.

Heard learned counsel for the petitioner.

For all intents and purposes, once the charges levelled against the petitioner for recovery of Rs. 4.20 lacs was set aside, vide order dated 09.03.2012, thereafter, the petitioner was entitled to get interest on the delayed payment after 03 months of his retirement.

Reference at this stage can be made to a judgment of Hon'ble the Supreme Court of India in cases **of D.D. Tewari (D)**

through LRs vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others, 2014 AIR (SC) 2861 and Megh Varan Sharma vs. State of U.P and others, 2015 (1) S.C.T (12) wherein payment of retiral benefit was delayed by the respondent-department and it has been held that the petitioner was entitled to interest @ 9% per annum from the date of entitlement till the date of actual payment.

Applying the ratio of the above mentioned judgments, this petition is being ***disposed of*** by awarding interest at the rate of 9% on the delayed payment of Rs.4.20 lacs/- w.e.f 01.07.2003 till the payment is made.

**(RITU BAHRI)
JUDGE**

08.02.2016

G Arora