

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

**CWP No. 15551 of 2014
Date of decision : 11.01.2016**

Balbir Singh

...Petitioner

versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rajesh Gupta, Advocate
for the petitioner.

Mr. Samarvir Singh, DAG, Haryana

Mr. Pardeep Solath, Advocate
for respondent No. 2

Mr. Rajeev Sharma, Advocate
for respondent No. 3

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

RITU BAHRI , J.

Petitioner- Balbir Singh has approached this Court by way of instant writ petition filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus for directing the respondents to release all the pensionary benefits i. Gratuity, GPF, Leave Encashment etc along with interest @ 24% per annum along with consequential benefits.

The grievance of the petitioner before this Court that he was appointed in Sonapat Central Co-op Bank and retired on 31.03.2012 as Parbandak. He was issued a charge sheet on 04.03.2009 to which he submitted a detailed reply. The General Manager after considering the reply of the petitioner, passed an order on 02.04.2010 in favour of the petitioner and simple warning was given to the petitioner to remain careful in future. However, after retirement, the respondents have not released all the pensionary benefits i. Gratuity, GPF, Leave Encashment etc to the petitioner.

In a written statement filed by respondent No. 2, it has been stated that the gratuity amount of the petitioner of Rs.6,99,445/- was paid to him vide cheque No. 100876 dated 04.12.2012. All other benefits have already been released to the petitioner except some amount of leave encashment. The details of which reads as under:-

<i>Sr. No.</i>	<i>Particulars</i>	<i>Amount</i>
1	Outstanding house building loan of petitioner	38455/-
2	Outstanding loan of petitioner towards the Sonapat Central Co-op Bank Employees Century Owners Coop Thrift and Credit So Ltd. Ka Ram Road, Sonapat	11120/-
3	False loan released in Hullaheri Branch of the bank	42750/-
4	Due against Rohtak PACS	2400/-
5	Due against Juan PACS	564/-
6	Wrongfully paid salary to Mukesh Kumar, Salesman of Rohat PCS kept in suspense account	220337/-
	Total	315626/-

A copy of letters dated 08.02.2012 and 16.03.2012 for

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issuance of No Dues Certificate from various Branches and PACS are attached herewith as Annexure R-2/1 collectively. It has further been stated that petitioner was imposed with punishment of warning vide order dated 02.04.2010 taking a lenient view as the petitioner was about to retire within 2 years.

The reply filed by respondent No. 3 is also on the same footing as of respondent No. 2.

Reference at this stage can be made to order dated 02.04.2010 whereby petitioner was served with a regular charge sheet for act of omission and commission in the Rohtak PACS, to which the petitioner submitted reply. However, after personal hearing was given to the petitioner, the General Manager by taking a lenient view gave a strict warning to the petitioner to remain careful in future.

The audit note is of the year 2009-2010 and the petitioner has been given strict warning to remain careful in future vide order dated 02.04.2010, thus the petitioner is entitled to get his amount of Rs.2,20,337/-.

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.2,20,337/- w.e.f December 2012 till the date it will be released to the petitioner.

(RITU BAHRI)
JUDGE

11.01.2016

G Arora