

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1602 of 2015

Date of Decision: 03.05.2016

Rajinder Kumar Khurana

... Petitioner

Versus

Punjab State Power Corporation
Limited and others

... Respondents

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

Present: Mr. Yogesh Kumar Aneja, Advocate,
for the petitioner.

Mr. Sehajbir Singh, Advocate,
for the respondents.

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

RAJIV NARAIN RAINA, J.(Oral)

Learned counsel for the respondents has expressed his helplessness in non-compliance of the order dated April 05, 2016 which reads as follows:-

“The petitioner retired from service on 28.2.2014. The Corporation has not settled the pension account so far. No one appeared on the last date of hearing for PSPCL, i.e., on 1.5.2015. Information received from PIO of the Corporation reveals that in all probability, the terminal benefits have not been paid on account of service book remaining incomplete since 1992.

In the circumstances, an interim mandamus is issued to PSPCL to finalise the case of the petitioner and place the sanction order on the record of this case for the perusal of the Court.

Office to notify Mr.Kannan Malik and Mr.Sehajbir Singh, Advocate for the respondents of the passing of this order.

List again on 21.4.2016.

To be shown in the urgent list. ”

The prayer is for release of pension and pensionary benefits which have been withheld for non-completion of service book. The service book has to be completed by the respondents and not the petitioner. All that the petitioner can do is to cooperate in its completion, which labour the petitioner has not denied. The inaction of the respondents deserves to be deprecated as it has adversely affected the valuable rights of the petitioner. The interim mandamus, is thus made absolute. The amounts due be calculated by taking the petitioner into confidence and sum determined be made to the petitioner within one month from the date of receipt of certified copy of this order. It will be the duty of the respondents to call the petitioner by serving notice on him to come forward, in case, his presence is required for completion of the service book. The amounts so determined will carry interest from the date of retirement till payment at 12% per annum which will be compounded six monthly just as amounts lying in General Provident Fund. A higher amount of interest is being awarded in this case because of the attitude and conduct of the respondents in denying the legitimate dues to the petitioner which are in the nature of right to moveable property. The amount determined be paid within the same time frame and proof of payment be placed through an application in the present case for the perusal of the Court. If the amounts are not paid within the time fixed interest will carry at 18% per annum till realization.

The petition is allowed.

(RAJIV NARAIN RAINA)
JUDGE

03.05.2016
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