

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

CWP No. 19680 of 2014

Date of decision : 08.04.2016

A.K. Soni

...Petitioner

versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Naveen Daryal, Advocate
for the petitioner.

Mr. Pawan Girdhar, 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.

By way of filing the present petition, petitioner is seeking quashing the instruction dated 02.09.2005 and recovery order dated 19.09.2011.

Petitioner was appointed as A.E.O in the department on 15.01.1980 and retired on voluntarily on 31.01.2009. Thereafter, petitioner was given the retiral benefits i.e 75% pension and G.P.F but other retiral benefits i.e 100% pension, gratuity etc has not been released to him. After his retirement, he was issued a charge sheet dated 25.05.2009 to which he submitted reply and denied allegations.

GAURAV ARORA
2016.04.12 16:38
I attest to the accuracy and
integrity of this document

However, the department passed an order for recovery of Rs.19650/- from the retiral dues of the petitioner on 19.09.2011.

On notice a written statement has been filed on behalf of the respondents stating therein that at the time of retirement of the petitioner, No Dues certificate were called from the concerned offices in order to disbursement his pensionary benefits. The petitioner has been granted the retiral benefits mentioned below:-

<i>Sr. No.</i>	<i>Amount</i>	<i>Cheque No. & Date</i>	<i>Particulars</i>
1	2,71,692/-	498281 dt 23.12.11	Arrear of 100% provisional pension
2	4,33,059/-	022497 dt 21.10.13	Arrear of 100% provisional pension
3	1,81,196/-	022497 dt 21.10.13	Gratuity
4	4,99,650/-	944371 dt 22.11.13	Commutation of Pension
5	557616/-	849830 dt 10.07.15	Refund of withheld from gratuity
	1,84,800/-	449299 dt 21.12.11	Leave Encashment
6	1,25,320/-	825128 dt 08.10.13	(Difference of leave encashment)
7	5,89,338/-	19.12.11	G.P.F
8	2,74,886/-	402351 dt 14.10.15	Withheld amount

The only stand taken by the respondents for delaying the amount to the petitioner as some charge sheets were pending against the petitioner but now the petitioner has been paid everything and nothing is due to him.

But now the petitioner is entitled to interest on the above said amount, in view of full bench judgment of this Court in case of **A.J.**

Randhawa Supdt Engineer (Retd.) vs. State of Punjab 1997 (3) RSJ 318 FB.

Similar issue has come up for consideration before this

Court in a case of ***Subhash Chander vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others, decided on 24.04.2009*** whereby the department has withheld the amount of the petitioner on the pretext of some recoveries against him and this Court disposed of the writ petition with a direction to the respondents to release an amount of Rs.51412.70 to the petitioner along with 8.5% interest within a period of two months. It will be further open for the respondents to recover the said amount from the petitioner after following the proper rules in accordance with law.

Learned counsel for the respondent has not been able to contradict that the aforesaid amount has been released to the petitioner.

Thus keeping in view the fact that the above said amount has now been released to the petitioner, it seems that the petitioner is not found guilty of the charges levelled against him.

The writ petition is disposed of and the respondents are directed to give 9% interest on the delayed payment w.e.f 01.05.2009 i.e after three months from the retirement of the petitioner, till the payment is made.

(RITU BAHRI)
JUDGE

08.04.2016

G Arora