

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.19857 of 2014 (O&M)
Date of decision : October 06, 2016**

Manmohan Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. O.P. Goyal, Sr. Advocate with
Ms. Sunita Gupta, Advocate for the petitioner.

Mr. R.S. Pathania, DAG, Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner, Manmohan Singh, who was Executive Engineer, retired from service on 31.05.2006, on attaining the age of superannuation. The amount of death-cum-retirement gratuity (in short 'the DCRG') of the petitioner was released to him on 14.03.2014. Petitioner claims interest on the delayed payment of DCRG.

During the course of hearing, the respondents in the written statement have taken the stand that three departmental proceedings were pending against the petitioner.

1. A criminal case No.16 of 2005 was registered against him. The copy of the order of Special Judge, Hoshiarpur dated 01.06.2009 shows that the untraced report was accepted in the said case as the sanction for prosecution was refused.

2. A show cause notice dated 24.01.2006 was issued to the petitioner (Annexure P-3), which was dropped on 20.06.2012.

3. A charge-sheet dated 25.05.2010 (Annexure P-15) was issued to the petitioner, which was ultimately dropped on 12.10.2012.

A perusal of the record shows that the petitioner has retired from service on 31.05.2006. The pendency of the criminal case itself was no ground to withhold the DCRG, unless the department had initiated some departmental proceedings. Therefore, the pendency of a criminal case is no ground to withhold the DCRG.

Regarding the show cause notice dated 24.01.2006 (Annexure P-3), it is observed that it was kept pending for nearly six years and ultimately dropped on 20.06.2012. The department cannot merely issue a show cause notice and keep it pending for years and make it a ground of withholding the DCRG. Therefore, the said ground is not sufficient ground to withhold the DCRG.

The last one is the charge-sheet dated 25.05.2010 (Annexure P-15), which was issued to the petitioner after his retirement on 31.05.2006 and ultimately dropped on 12.10.2012. The payment of DCRG is supposed to be released within three months of the date of retirement of the petitioner. Therefore, issuance of the charge-sheet and keeping it pending for more than five years is no ground to withhold the DCRG.

In these circumstances, I am of the view that the payment of DCRG was withheld without sufficient causes. As such, the present petitioner is entitled to interest @ 9% per annum starting from three months from the date of retirement till its actual payment was made i.e. on

14.03.2014. The amount of interest shall be paid within three months of the date of receipt of copy of this order.

Accordingly, the present petition is allowed.

October 06, 2016

(KULDIP SINGH)
JUDGE

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Whether speaking / reasoned	Yes
Whether Reportable:	No