

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 22138 of 2014 (O/M)
Date of decision : 15.9.2016

Kirpal Singh Petitioner (s)

Versus

State of Punjab Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Bhardwaj, Advocate, for the petitioner.

Mr. P.S. Ghuman, Additional A.G. Punjab.

Mr. Karan Singla, Advocate, for respondent No. 3.

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 ?

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KULDIP SINGH J. (ORAL)

The petitioner retired as Junior Engineer (Civil) on superannuation with effect from 31.8.2013 (AN), vide order dated 20.8.2013 (Annexure-P-1). His pensionary benefits were not released. Therefore, he approached this Court by way of filing the CWP No. 1233 of 2014. This Court disposed of the said writ petition on 24.1.2014 (Annexure-P-2), by issuing directions to respondents No. 2 and 3 to take a decision on the representation of the petitioner by passing a speaking order. Thereafter, the arrears of pension were released on 1.7.2014, the commutation of pension was released on 9.6.2014 and the gratuity was paid on 27.6.2014 i.e. after delay of about 10 months of retirement of the petitioner. The petitioner claims interest on the delayed payments.

The respondent No. 3, in the reply, has talked about some work

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done in the year 2009 by petitioner, regarding which the office of Technical Audit (Civil) Ludhiana, raised some objections regarding payment of Rs. 4,83,239/- to the contractor for supply and fixing of bolts. No tenders were floated for the purchase of these bolts, allotting work to the contractor and the payment was more than the market rate. The reply was obtained.

However, it is not disputed that neither any show cause notice or chargesheet was issued nor any departmental proceedings were initiated.

I have heard the learned counsels for the parties and have also carefully gone through the file.

In this case, it is clear that no departmental proceedings were initiated against the petitioner. No order of withholding of the pensionary benefits was also passed. Merely on the ground that objections were raised by the audit section of the department is no ground to withhold the pensionary benefits without initiating any department proceedings. Accordingly, the petitioner is held entitled to interest at the rate of 9% per annum on the delayed payments, as noted above, starting three months after the retirement of the petitioner till payment.

The present writ petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

15.9.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No