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

CWP No.23030 of 2014 (O&M)
Date of decision : October 18, 2016

Manjit Singh .... **Petitioner**

Versus

Punjab State Power Corporation Ltd. and others .... **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. B.D. Sharma, Advocate for the petitioner.

None for the respondents.

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 retired as Upper Division Celrk on 31.07.2013 on attaining the age of superannuation.

It comes out that the petitioner was issued charge-sheet on 07.05.2014 under Rule 2.2(B) of the Civil Services Rules, Volume-II, for alleging embezzlement of Rs.98,658/-. One FIR No.139, dated 19.06.2014 under Sections 409 and 420 IPC was registered against the petitioner regarding the said embezzlement. It is stated by the petitioner that now in the said charge-sheet, a cut of 10% for two years in the pension of the petitioner has been imposed.

Learned counsel for the petitioner contends that now all the retiral benefits have been released but these were released with delay. Hence, he is entitled to interest on the delayed payment.

On behalf of the respondents, none had appeared on the previous two dates to assist this Court and the case was adjourned for today. Even today also, none has appeared on behalf of the respondents to assist this Court. Therefore, this court has heard learned counsel for the petitioner, perused the pleadings and considered the case of the respondents.

Admittedly, the petitioner retired from service on 31.07.2013. Later on, a charge-sheet was issued to him under Rule 2.2(B) of the Rules *ibid* on 07.05.2014 and the FIR was registered on 19.06.2014. The allegations were regarding embezzlement of Rs.98,658/-.

In these circumstances, it is to be seen whether the department was justified in withholding the entire pension, leave encashment, gratuity, GPF etc.

The reply is in negative. If some charge-sheet is served, the provisional pension should have been released to the petitioner and under rules, only gratuity could be withheld. Therefore, the petitioner is not entitled to interest on the withheld amount of gratuity. However, he is entitled to interest @ 9% per annum on the delayed payment of pension and GPF starting three months from the date of retirement of the petitioner till its actual realization.

As such, the present petition is allowed to the abovenoted extent.

(KULDIP SINGH)
JUDGE

October 18, 2016
sarita

Whether speaking / reasoned Yes

Whether Reportable: No