

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

CWP No.26380 of 2013 (O&M)

Date of decision : July 27, 2016

Mahinder Singh

..... Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.K. Daaria, Advocate for the petitioner.

Mr. P.S. Poonia, Advocate 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 was working as Assistant Lineman since 03.04.1973 with respondent No.1. Later on, he was promoted as Assistant Foreman and retired as such on 31.07.2011.

In the meanwhile, an FIR was registered against the present petitioner on 28.03.2011, under Sections 420, 467, 468 and 471 at Police Station Barara, due to his personal dispute regarding land. The petitioner was, accordingly, suspended on 27.06.2011 and was reinstated in service on 29.07.2011. He superannuated on 31.07.2011.

It further comes out that some retiral benefits were released but leave encashment and gratuity were withheld by the respondents-department. Therefore, the petitioner approached this Court through the present writ petition. However, pending the present writ petition, the petitioner died on 04.09.2015 and now the writ is being pursued by his legal heirs.

On behalf of the respondents, an affidavit of Er. Amolak Singh Sandhu, Executive Engineer, Operation Division, UHBVNL, Amabla has been filed in the Court today and the same is taken on record, wherein it is stated that the following payments have been released on the dates mentioned against them:

1	GPF	Rs.273084/- vide cheque No.896266, dt 29.03.2012
2	Leave encashment	Rs.273996/- vide cheque No.405829, dt. 15.12.2015
3	DCRG	Rs.445295/- vide cheque No.572705, dt. 03.03.2016
4	Commutation	Rs.338117/- vide cheque No.572383, dt. 30.03.2016

The pension was released to the petitioner earlier in 2012 itself.

The short question before this Court is as to whether the petitioner is entitled to interest on the delayed payment?

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

In this case, the petitioner died during the pendency of the trial. The criminal case pertain to his private dispute and nothing do with his service. On account of the arrest of the petitioner, he was placed under suspension and reinstated immediately before his retirement and he was allowed to be retired. No departmental inquiry was conducted against him nor any show cause notice was issued to him. Therefore, the Department, in such circumstances was not justified in withholding his pensionary benefits on account of mere registration of the FIR and the pending trial when it has no connection with is service.

It being so, I am of the view that the petitioner is entitled to interest @ 9% per annum on the payment of arrears of pension, if any, GPF, leave encashment, DCRG, commutation starting from 3 months after the date of retirement till the date of its payment.

Accordingly, the present petition is allowed.

(KULDIP SINGH)
JUDGE

July 27, 2016

sarita

Whether speaking / reasoned Yes

Whether Reportable: No