

CWP No. 2504 of 2014
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 2504 of 2014
Date of Decision: 28.07.2016

DHARAMBIR SINGH

... Petitioner

VS.

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. K.L. Dhingra, 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.)

Through this writ petition the petitioner claims interest on the delayed payment of the pension.

The petitioner has retired as Circle Superintendent on 28.02.2013 and the PPO was issued on 25.11.2013 i.e. after the delay of little less than 10 months for which he claims the interest. However, the petitioner claims that the sum of ₹ 1,86,137/- was withheld from his gratuity on account of show cause notice being issued to him. Vide order dated 29.05.2013, he was warned to be more careful in future while performing the official duties vide R3/4. In this way, the disciplinary proceedings have terminated but despite that the withheld amount was not released.

I have heard learned counsel for the parties.

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Admittedly, once the disciplinary proceedings are terminated, the amount from the gratuity cannot be withheld. Therefore, the respondent are directed to release ₹ 1,86,137/- to the petitioner with the interest @ 9 % per annum which shall start running one month after the date of passing of the order dated 29.05.2013 (*Annexure P-3/4*) till the payment. For the delayed payment of the pension beyond three months, the petitioner shall also be entitled to the interest @ 9 % per annum, till the amount is paid.

The petition is accordingly allowed.

July 28, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

<i>Whether speaking / reasoned</i>	✓ Yes / No
<i>Whether Reportable</i>	✓ Yes / No