237

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 25431 of 2015
Date of Decision: 07.11.2016

PARAMJIT SINGH ***… Petitioner***

VS.

STATE OF PUNJAB AND OTHERS ***..Respondents***

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S.S. Kanwal, Advocate,
for the petitioner.

Ms. Vandana Malhotra, Addl. A.G., Punjab.

****

KULDIP SINGH, J. (Oral)

The petitioner has preferred the present writ petition under Articles 226/227 of the Constitution of India for issuance of writ of mandamus directing the respondents to release the retiral benefits of the petitioner alongwith interest from the date of retirement till its payment.

The brief facts of this case are that the petitioner was worked as a Lecturer in Government Senior Secondary School Sagran, Tehsil Dasuya, District Hoshiarpur. He also worked as officiating Principal w.e.f. 21.09.2005 to 28.02.2010. After the grant of extension twice, he retired from service on 31.05.2013. Since, the retiral benefits were not released, the petitioner served legal notice on the respondent-department and thereafter the present petition was filed.

I have heard learned counsel for both the parties.

It comes out that the petitioner was issued a charge-sheet on 07.08.2014 *(Annexure P-2/T)* on the ground that while working as School Incharge w.e.f. 21.09.2005 till 28.02.2010, he has not given the school canteen on contract and neither any record was maintained for sale of waste papers and nor any expenditure was done out of any fund regarding papers.

It further comes out that the enquiry was conducted vide which he was held guilty and now during the pendency of the present writ petition, while considering that the petitioner has retired and he has deposited ₹465/- in respect of the waste papers and that as per the employee there are no rules/instructions for giving the canteen on contract, the charges have been dropped vide order dated 08/11.03.2016 and endorsed to the petitioner and other authorities on 14.03.2016 and that would mean that the departmental proceedings come to an end and now there is no impediment in releasing the remaining amount.

The respondents have produced *(Annexure R-1)* wherein it is stated that the petitioner has been paid 75 % of the DCRG and 75% of Pension and full payment of GIS. The GPF to the tune of ₹ 28,65,189/- is paid which according to the petitioner is short by ₹97,309/-. Now, the claim of the petitioner survives for payment of the balance GPF, DCRG, commuted value of pension and arrears of pension.

It being so, the writ of mandamus is issued, directing the respondents to immediately release the balance pension, DCRG, GPF and also release the commuted value of pension.

Since, the charge-sheet was ultimately decided on 08/11.03.2016, therefore, strating from 09.03.2016, the petitioner shall be entitled to interest @ 9% per annum on the payment of balance pension, gratuity, if any.

However, there is no dispute on the fact that the commuted value of pension was not paid to the petitioner and the same shall be paid alongwith 9% interest as mentioned above.

Since, commuted value of pension, leave encashment and GPF could not be withheld even during the pendency of the enquiry, therefore, interest on the said payment shall start three months from the date of retirement of the petitioner till its actual payment.

Since, the State is claiming that some more payments were made to the petitioner, therefore, the State is at liberty to recalculate the pension, gratuity, GPF already paid and thereafter, the balance, if any, shall be released alongwith interest as noted above. The respondents shall also supply the said calculation sheet to the petitioner to enable him to examine as to whether the correct amount has been paid to him or not ?

The respondents are directed to do the needful within two months from the date of receipt of the copy of the judgment.

November 7, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

	✓		
Whether speaking / reasoned	***Yes***	/	***No***
			✓
Whether Reportable	***Yes***	/	***No***