

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.17445 of 2014(O&M)

Date of Decision: 22.02.2017

Partap Singh

.....*Petitioner*

Vs.

Uttar Haryana Bijli Vitran Nigam Ltd. & others

.....*Respondents*

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Jagbir Malik, Advocate for the petitioner.

Mr.D.S. Nalwa, Advocate for the respondent.

KULDIP SINGH J. (ORAL)

The petitioner has preferred this writ petition under Articles 226/227 of the Constitution of India for the issuance of a writ of certiorari to quash the impugned order dated 05.04.2013 (Annexure P-31) passed by respondent No.5 whereby the claim of the petitioner for grant of interest on delayed payments of retiral benefits has been rejected. A further prayer has also been made for the issuance of a writ in the nature of mandamus directing the respondents to release 18% per annum interest on delayed payments of retiral benefits from the date of retirement of the petitioner.

The short controversy involved in the present petition is that the Petitioner was working as a Circle Asstt. with the respondent and retired from service on 31.03.2011 after attaining the age of superannuation. It comes out that after his retirement, he was served with two charge-sheets, first on 21.04.2011 and second on 07.05.2011. However, vide order dated 26.11.2012 in relation to the chargesheet dated 07.05.2011, charges were dropped. In relation to chargesheet dated 21.04.2011, a punishment order

was passed on 28.12.2011, whereby his one increment was stopped without cumulative effect. The appeal against the same was dismissed on 31.07.2012. In this case, all the retiral benefits have been released to the petitioner and the claim of the petitioner is only for the interest on delayed payment. It also comes out that the retiral benefits were released to the petitioner as under:-

<i>Sr. No.</i>	<i>Particulars</i>	<i>Amount</i>	<i>Date of Release</i>
1	Leave encashment	Rs.2,98,220.00/-	22.06.2011
2	Gratuity	Rs.4,71,935/-	26.02.2013
3	Arrears of pension	Rs.3,66,006.00/-	26.02.2013
4	Commutation of Pension	Rs.3,92,803.00/-	26.02.2013
5	G.P.F	Rs.16,11,971.00 /-	14.06.2011

Learned counsel for the respondents very fairly conceded that the necessary retiral benefits have already been released to the petitioner within a reasonable time. He also contended that as the departmental proceedings were pending against the petitioner even after the retirement of the petitioner, the respondents-authorities was competent to withhold the other retiral benefits of the petitioner in terms of the various provisions of Punjab Civil Services Rules, as applicable to the State of Haryana. Therefore, even on this ground also, the petitioner is not entitled for grant of interest on the ground of delay in releasing the retiral benefits. So far as the GPF and leave encashment is concerned, these were released to the petitioner within three months from the date of his retirement and no interest is payable on GPF and leave encashment.

I have heard learned counsel for the parties and perused the case file.

Admittedly, when disciplinary proceedings are pending against the petitioner only gratuity was withheld, same was released on 26.02.2013 after the appeal was dismissed on 31.07.2012. The gratuity was supposed to be released within three months when the order of Appellate Authority was passed i.e. 31.10.2012. Therefore, from 01.11.2012 till 26.02.2013, 9% interest per annum is payable with regard to gratuity, arrears of pension and commuted value of pension starting from 01.07.2011 till the date of payment.

The needful be done within three months from the date of receipt of a certified copy of this order.

In view of the above, the present petition is disposed of accordingly.

(KULDIP SINGH)
JUDGE

22.02.2017
ANJAL

Whether speaking/reasoned? ***Yes/No***

Whether reportable? ***Yes/No***