

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 22067 of 2015 (O/M)
Date of decision : 20.3.2017

Surjit Singh Uppal

..... Petitioner (s)

Versus

State of Punjab and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rakesh Sobti, Advocate, for the petitioner.

Mr. Anshul Gupta, Assistant Advocate General, Punjab,
for respondents No. 1 and 2.

Mr. Parminder Singh, Advocate, for respondent No. 3.

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 ?

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KULDIP SINGH J. (ORAL)

The petitioner retired as Technical Officer/General Manager from Markfed Cottonseed and Processing Plant Gidderbaha, on 30.4.2006. It also comes out that during his service, he was served with three chargesheets dated 8.4.2005, 16.11.2005 and 13.3.2006 under Rule 6 (b) and Rule 10 of the Punjab State Cooperative Supply and Marketing Federation Employees (Punishment and Appeal) Rules, 1990. It also comes out that the last inquiry was decided on 18.3.2013 by reducing two stages in the time scale for calculating the retiral dues. Thereafter, according to the petitioner, the retiral dues were released on 20.4.2014. According to the petitioner, the appeal against the said order was filed, in which punishment was reduced to one stage in the time scale during the pendency of the appeal. However, there is no document to that effect on the file. The retiral

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benefits were released on 20.4.2014, whereas according to respondents, these were released on 3.3.2014. However, the exact date of payment is not mentioned by respondents. It also comes out that the petitioner had earlier approached this Court by way of filing CWP-20464-2014, titled as Surjit Singh Uppal Versus State of Punjab and others, decided on 30.9.2014 (Annexure-P-8 Colly.) and this Court had directed respondents to pass a speaking order. In pursuance to the said order, the speaking order dated 4.3.2015 (Annexure-P-10) was passed, whereby the interest has been denied on the ground that a special audit report/departmental inquiry was pending against the petitioner and the said special audit report was finalized on 18.2.2014 and secondly that there is no policy to pay the interest on the delayed payment of retiral dues.

I am of the view that after all the inquiries were concluded and the last inquiry was concluded on 18.3.2013, there was no further ground to withhold the retiral benefits without passing any order. Mere pendency of the special audit report is no ground to withhold the retiral benefits. Even if, there is no policy to pay the interest, the interest is to be paid by the operation of law for using the money of the petitioner. It being so, the petitioner is held entitled to interest at the rate of 9% per annum, starting from 18.6.2013, i.e. after giving three months time to respondents to process the case till the date of actual payment i.e. 20.4.2014. The interest be released within three months from the date of receipt of certified copy of this order. The present writ petition is allowed.

(KULDIP SINGH)
JUDGE

20.3.2017

sjks

Whether speaking / reasoned	:	Yes
Whether Reportable	:	No