

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

CWP No.25770 of 2014(O&M)

Date of Decision:22.02.2017

Kashmiri LalPetitioner

Vs.

PSPCL and othersRespondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. M.S. Dhami, Advocate for the petitioner.

Ms.Avin Sandhu, Advocate for
Mr.Amit Aggarwal, Advocate for the respondents.

KULDIP SINGH J. (ORAL)

The petitioner has preferred this writ petition under Articles 226/227 of the Constitution of India for the issuance of an appropriate writ, order or direction in the nature of mandamus directing the respondents to release all the retiral benefits including pension along with interest from the date of retirement of the petitioner i.e.30.04.2014.

The short controversy involved in the present petition is that the petitioner retired from the service of the respondents as an Upper Divisional Clerk on 30.04.2014. His initial claim was for release of all the retiral benefits. During the proceedings, it comes out that some charge-sheets were pending against the petitioner. A provisional pension was released to the petitioner in November, 2015. Today, counsel for the respondent has filed the status of the charge-sheets which shows that two charge-sheets were pending against the petitioner. Both the charge-sheets have been finalized. In one charge-sheet, he has been exonerated by the Appellate Authority whereas in another charge-sheet, a cut of 5% in the pension for two years has been imposed vide office order No.246, dated 18.05.2016. However, fact remains that both the charge-sheets have been

finalized.

Learned counsel for the respondent submits that one more charge-sheet is being contemplated. However, no charge-sheet has been issued till date. Therefore, mere contemplation, is no ground for withholding the retiral benefits. Today, counsel for the respondent has brought a cheque bearing No.122991, dated 21.02.2017 for an amount of Rs.4,36,700/- on account of payment of leave encashment to the petitioner. The same is handed over to learned counsel for the petitioner. The photocopy of the same retained on the file.

It also comes out that after the retirement of the petitioner on 30.04.2014, provisional pension was released with delay and the arrears of commuted pension were not released. Therefore, the petitioner shall be entitled to interest @ 9% per annum on the delayed payment of above retrial dues.

The second inquiry has been finalized on 09.01.2017. The department could not withhold the gratuity. Therefore, the gratuity is ordered to be released to the petitioner immediately without any interest. The commuted value of pension is also ordered to be released along with all the other arrears and interest @ 9% per annum starting from the date when it became due till the date of actual payment.

In view of the above, present petition is accordingly allowed to the above noted extent.

(KULDIP SINGH)
JUDGE

22.02.2017
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No