

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

CWP No. 6810 of 2015
Date of Decision: 07.03.2017

KARNAIL SINGH

...Petitioner

VS.

**PUNJAB STATE POWER CORPORATION LTD., PATIALA AND
OTHERS**

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. B.D. Sharma, Advocate,
for the petitioner.

Ms. Meena Bansal, Advocate,
for the respondents.

KULDIP SINGH, J (ORAL)

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of mandamus for directing respondents to release the retiral benefits such as service gratuity, pension, commuted value of pension, arrears of payment on account of less payments made to the petitioner during his service, time bound scale of 9 and 16 years of completion of service and other benefits alongwith interest.

Learned counsel for the respondents states that the written statement already filed on behalf of respondents No. 1 and 7 should be read as the written statement on behalf of all the respondents No. 1 to 7.

In the written statement, the respondents have taken the stand that leave encashment to the tune of ₹ 4,32,440/- was released on 13.10.2014, payment GPF amounting to ₹ 5,06,325/- was released on 15.10.2014. It is further stated that since, charge-sheet, bearing No. 25662 dated 05.10.1986, is still pending against the petitioner, therefore, the pension and gratuity has

CWP No. 6810 of 2015

not been released and that till the time charge sheet is not decided, the employee can give his consent for 75% of his pension to their office, therefore, 75% pension can be released.

I have heard the learned counsel for both the parties and have carefully gone through the case file.

As per the case of the respondents, one charge-sheet dated 05.10.1986 is pending against the petitioner. Now, we are in the year 2017 and the period of approximately 31 years has elapsed. The petitioner retired from service on 31.05.2014 and for approximately 28 years the proceedings of said charge-sheet were not concluded. Therefore, on the basis of the said charge-sheet of the year 1986, the pensionary benefits cannot be withheld as it amounts to misuse of the process of law.

It being so, the petition is allowed and the respondents are ordered to release the entire pension, commuted value of pension and gratuity alongwith interest @ 9% per annum starting three months from the date of retirement of the petitioner till its payment, within two months from the date of receipt of certified copy of this order.

The respondents are also directed to consider the case of the petitioner for grant of time bound scale of 9 and 16 years of completion of service while ignoring the pendency said charge-sheet of 1986 and pass a speaking order within two months from the date of receipt of certified copy of this order.

March 7, 2017

Suresh Kumar

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

✓
Yes / No