

CWP No. 78 of 2016

DECIDED ON: OCTOBER 23, 2017

JASBIR SINGH SARNA

.....PETITIONER

VERSUS

PSPCL & ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. D.S. Gurna, Advocate
for the petitioner.

Mr. Ashok Sharma, Advocate
for the respondents.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of mandamus directing the respondents to grant interest @ 18% per annum to the petitioner on the amount of pension and gratuity, which are alleged to have been wrongly withheld from April 30, 2013 to July 27, 2015 on account of inquiry proceedings, in which he was exonerated.

2. Undisputably, petitioner stood retired on attaining the age of superannuation on April 30, 2013 but prior to that a charge sheet bearing No. 97/D-9711/T2/S4, dated March 13, 2013 was issued to the petitioner for his alleged omissions/commissions at North Sub Division, Patiala under Sub Urban

Division Patiala. However, the matter was departmentally enquired and ultimately, the authorities came to the conclusion that the petitioner cannot be held responsible for application of electricity connection or release thereof. Accordingly, disciplinary proceedings against the petitioner were dropped/closed vide office order No. 172/D-9711/T2, dated March 13, 2015. The dropping or closing of charge sheet is suggestive of the fact that proceedings initiated against the petitioner were without any basis, which ultimately led to exoneration of the petitioner in those proceedings.

3. Since, the petitioner stood retired on April 30, 2013, at the most the payments were to be released to the petitioner within a period of three months from the date of his retirement. The payment of pension and gratuity can be termed to have been wrongly withheld by the respondents w.e.f. April 30, 2015 to July 27, 2015 and the petitioner was deprived of the utilisation thereof.

4. Thus, in view of observations made by Full Bench of this Court in case captioned as “A.S. Randhawa vs. State of Punjab and others; 1997 (3) SCT 468 and by this Court in CWP No. 8772 of 2015 titled as Charan Dass vs. State of Punjab & others; decided on July 11, 2017, petitioner is entitled to grant of interest on delayed payments. This Court is of the view that grant of interest @9% per annum, on the delayed payments after the expiry of three months from the date of retirement of petitioner till the actual payment, is legally and factually justified. Accordingly, this Court awards an interest @9% per annum on the delayed payments, which shall be paid by the respondents after calculating the same within a period of two months from the date of receipt of certified copy of this order and in case of non-compliance respondents shall

also be liable to pay an additional interest @9% for the afore said period.

However, if the petitioner still feels aggrieved by any order of the afore-said authority, he shall be at liberty to approach this Court.

5. In view of afore-said observation, instant petition is disposed of.

OCTOBER 23, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*