

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

RSA No.6772 of 2016 (O&M)

Date of decision: 22.02.2017

Punjab State Power Corp. Ltd. & ors.

.... Appellants

Vs.

Gurjant Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Geeta Sharma, Advocate
for the appellants.

RAJIV NARAIN RAINA, J. (ORAL)

The defendant-State did not claim an issue before the labour court regarding late handing over of the charge by the respondent after retirement and therefore, no evidence could be looked into in absence of specific pleadings in defence. The plaintiff-respondent retired from service on 30.06.2012. The Corporation accuses the plaintiff-respondent for delay in handing over the charge to the successor before demitting office on retirement. He was serving as a Revenue Accountant he was called to hand over the charge on 04.09.2012. The question of handing over of charge after retirement is apparently absurd and trifling condition to withhold pensionary benefits which were considerably delayed by the Punjab State Power Corporation Ltd. on account of late handing over of the charge. Right to pension and pensionary dues matured on superannuation on 30.06.2012 but were released in December, 2012. It is for this delay of about six months for which the plaintiff successfully claimed interest on delayed payments in the civil suit.

The trial court dismissed the suit. However, the plaintiff's appeal was accepted by the learned Addl. District Judge, Sangrur in Civil

Appeal No.162 of 2015 and the suit decreed.

The plaintiff had not committed any illegality while in service for which his pension and pensionary benefits could have been withheld. Pension is a right to movable property protected under Article 300 A of the Constitution and can be only withheld by following procedure established by law. Handing over and taking over the charge is not one such procedure which can be justified in not releasing of retiral benefits within reasonable time. No order has been pointed out by the appellant withholding release of pension and pensionary benefits to the plaintiff on account of late handing over of charge and therefore the inaction was illegal and arbitrary. No recoveries had to be effected from him. The plaintiff had pleaded that he was taken ill short of retirement which kept him from attending office.

I find no merit in this appeal and dismiss the same. No substantial question of law arises for consideration.

(RAJIV NARAIN RAINA)
JUDGE

22.02.2017
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1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No