

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

**CWP No. 10271 of 2015
DECIDED ON: MARCH 26, 2018**

ANOOP SINGH

.....PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION LTD. & ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. J.S. Jaidka, Advocate,
for the petitioner.

Mr. H.S. Ghuman, Advocate
for the respondents.

JASPAL SINGH, J (ORAL)

Petitioner preferred instant writ petition, under Articles 226/227 of the Constitution of India, seeking issuance of an appropriate writ, direction or order in the nature of Mandamus, directing the respondent-Corporation to release the interest @12% which has accrued in favour of him due to the delayed payment of retiral dues.

2. Undisputably, petitioner joined the respondent-Corporation as LDC

on 01.06.1981 and then promoted to the post of UDC on 14.01.1985. Thereafter, he was promoted to the post of Revenue Accountant on 28.08.1987 and had been working on the same post till his superannuation on 31.01.2012. However, during his service an FIR No. 37, dated 25.08.2004, under Sections 7, 13 (2), 88 of the Prevention of Corruption Act was registered against him at Police Station Vigilance Bureau, Ludhiana. Even, on the date of his retirement, he was facing the trial in the afore-said FIR, which though ultimately culminated in his acquittal vide judgment dated 03.05.2013 passed by learned Additional Sessions Judge, Ludhiana (P-1). On account of pendency of afore-said FIR at the time of his retirement, petitioner was only released 66% provisional pension whereas, other retiral benefits were not disbursed/released to him.

3. Earlier, petitioner preferred CWP No. 19846 of 2012, titled as ***Anoop Singh vs. Punjab State Power Corporation Ltd. And others;***. However, during the pendency of said writ petition petitioner was acquitted vide above-referred judgment and the afore-said petition was finally disposed of as having been rendered infructuous by this Court vide order dated 23.04.2014, which reads as under:

4. A glance at the afore-said order transpires that the previous writ petition preferred by the petitioner, which stands disposed of after the acquittal of petitioner, is suggestive of the fact that relief claimed in the previous writ petition was granted to the petitioner and as a result thereof, petition has been dismissed as having been rendered infructuous that too, in the presence of petitioner. In the said petition the interest was also claimed. Meaning thereby,

that the matter with regard to interest was also finally dealt with and disposed of. Thus, the grant of interest after the disposal of previous writ petition as referred to above is not legally maintainable.

5. In the light of what has been discussed above, instant petition is dismissed with cost to the tune of ₹5000/-, which is to be paid by the petitioner to the respondent-Corporation within a period of two months from the date of receipt of certified copy of this order and in case the cost is not deposited within the stipulated period, respondent-Corporation shall be at liberty to get it recover from the pension of the petitioner.

MARCH 26, 2018
sham

(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>