

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

(205)

CWP-15136-2014 (O&M)

Date of Decision: November 16, 2018

Ashwani Kumar

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Sobti, Advocate, for the petitioner.

Ms. Anju Arora, Addl. A.G., Punjab.

None for respondent No.3.

HARSIMRAN SINGH SETHI, J.(ORAL)

No one has appeared on behalf of respondent No.3 since the last three dates of hearing. On 09.07.2018, this Court, while adjourning the case, passed an order that counsel for respondent No.3 be informed about the next date of hearing. As per the report of office, counsel for respondent No.3 has been informed about today's hearing. Still, no one represents respondent No.3.

The claim which has been made by the petitioner is for the release of the pensionary benefits which were being withheld on account of disciplinary proceedings which were pending against the petitioner. It has been contended by the petitioner that out of total nine cases, charges in the six cases were dropped by September, 2012 and in two cases, the petitioner was imposed punishment. The last punishment imposed was on 25.06.2013. The contention of the petitioner that there was no hindrance in paying the pensionary benefits since 25.06.2013 but still without any justification the payments were made in the year 2014 and 2015. In this regard, the

petitioner has given a detailed chart in paragraph 2 of the CM No.4610-CWP of 2018, which was allowed to be placed on record on 09.07.2018 by this Court.

There is no representation on behalf of the respondent No.3 to rebut the said averments. This Court is left with no other remedy but to dispose of this writ petition in the absence of assistance of respondent No.3.

It has been admitted that all the payments have already been received by the petitioner and only the interest on the delayed payment is being claimed by the petitioner. Further, counsel for the petitioner states that he will be satisfied in case a direction is given to respondent No.3 to take into consideration the averments which have been made in paragraph 2 of the CM No.4610-CWP of 2018 wherein the details of the due date of payments as well as the dates on which the actual payment was made and decide the claim of the petitioner for the grant of interest on the same.

The prayer of the petitioner is accepted. A direction is given to respondent No.3 to pass appropriate speaking order on the claim of interest on the delayed payments as being raised by the petitioner in paragraph 2 of the CM No.4610-CWP of 2018 within a period of three months from the receipt of copy of this order. It will be appreciated that before passing an order, if the petitioner is given a personal hearing to explain his case for the grant of interest.

In view of above, the present writ petition stands disposed of with no order as to costs.

(HARSIMRAN SINGH SETHI)
JUDGE

November 16, 2018
harsha

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No