

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.24139 OF 2014
DECIDED ON: MARCH 08, 2018

RAJINDER SINGH

.....PETITIONER

VERSUS

UHBVNL AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. K.L. Dhingra, Advocate,
for the petitioner.

Mr. Naveen Kaushik, Advocate,
for the respondents.

JASPAL SINGH, J. (Oral).

Through instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus, directing the respondents to release DCRG, commutation etc. with interest and decide charge sheet and show cause notice pending against the petitioner.

2. Concededly, the petitioner stood retired on attaining the age of superannuation as Junior Engineer on 31.08.2013 while posted at Sonapat but his retiral benefits were not released either on the date of his retirement or subsequent thereto within reasonable period of three months. The non-payment of retiral benefits ultimately, constrained the petitioner to knock the doors of this Court by way of instant writ petition. However, during the pendency of

instant writ petition, all the benefits were released which stood accrued to the petitioner on account of his retiral benefits but with an inordinate delay, for which, no explanation has been furnished by the respondents.

3. As per the service rules, the respondents were obliged to disburse the retiral benefits on the date of retirement of the petitioner or within three months but it has not been done in the instant case. Rather, the petitioner was deprived of the proper use of the amount which he was to receive on the date of his retirement, that too, for no lapse or omission on his part. Rather, in the case in hand, the entire omission or lapse is attributable to the respondents. Though, the petitioner was served with charge sheet as well as show cause notice for some irregularities but the same was not reached to its logical end and was dropped much prior to the release of the retiral benefits. Since, the petitioner has been deprived of the use of the retiral benefits at the proper time, he deserves to be compensated.

4. During the course of arguments, it has also been submitted by learned counsel for the respondents that prior to the passing of order dated 20.02.2017 whereby the ex-parte proceedings were set aside subject to the cost of Rs.1 lac, the payment was made to the petitioner but for that reason the respondents cannot be exonerated especially in the circumstances that Mr. Sudhir Hooda, Advocate accepted the notice of the instant petition on 20.07.2015 and, thereafter, he slipped away from the proceedings and even did not opt to file reply. Accordingly, respondents were proceeded ex-parte, which was subsequently set aside vide order dated 20.02.2017 but subject to payment of costs worth Rs. One lakh to which the respondents are legally bound to pay.

5. In the light of aforesaid discussion, since the benefits have already been released during the pendency of instant petition, the petition qua main relief has rendered infructuous. However, the petitioner is entitled to interest on the delayed payment of the retiral benefits.

6. Accordingly, petition is disposed of with a direction to the respondents to calculate and make the interest @ 9% per annum on the delayed payments, after expiry of three months from the date of retirement till actual payment. Further, the respondents are directed to comply with order dated 20.02.2017, with regard to the cost imposed upon them and be disbursed in same manner as ordered.

7. The needful shall be done within a period of two months from the date of receipt of certified copy of this order. In case of non-compliance of the aforesaid directions, the petitioner shall be at liberty to approach this Court.

MARCH 08, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned ***Yes***
Whether reportable ***Yes/No***