

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5702 of 2017

DATE OF DECISION: JULY 3, 2018

SUKHWINDER SINGH BHULLAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

PRESENT: MR. HARINDER SHARMA, ADVOCATE FOR THE PETITIONER.
MR. NAVDEEP CHHABRA, DAG, PUNJAB.

JASPAL SINGH, J. (ORAL)

1. By virtue of the instant writ petition, the petitioner has sought issuance of writ in the nature of mandamus directing the respondents to release his pensionary benefits, i.e. pension/commutation of pension, arrears, gratuity, leave encashment, etc. alongwith interest on its delayed payment @ 12% per annum.

2. At the very outset of the arguments, it has been fairly conceded by learned State counsel that during the pendency of the instant petition, the benefits to which the petitioner was entitled on his retirement have already been disbursed, though with some delay.

3. Undisputedly, the petitioner is deemed to have retired voluntarily on 16.6.2013, i.e. on the expiry of the period of 3 months' notice of voluntary retirement. However, at that time, a charge-sheet under Rule 5 of the Punjab Civil Services (Punishment & Appeal) Rules, 1970 on the charge of his absence from duty w.e.f. 7.11.2005 to 4.11.2007

unauthorizedly or without prior sanction was pending against him. The said charge-sheet/disciplinary proceedings stood culminated vide order dated 10.2.2014 passed by the Principal Secretary to Government of Punjab, Department of Higher Education, Punjab whereby the punishment of stoppage of two increments with cumulative effect was imposed on him. Meaning thereby, that the charge-sheet, if any, stood finally disposed of on 10.2.2014 and thereafter the respondents were obliged to release the pensionary benefits accrued to the petitioner on account of his retirement within some reasonable period. However, as is evident from the contents of the written statement also, the payment of GPF was made in the month of March, 2016 and gratuity as well as pension, etc. were paid in the month of May, 2017 and September, 2017 respectively, i.e. after an inordinate delay for which there is no plausible explanation furnished by the respondents. As provided in the Instructions issued by the Government of Punjab, at the most, benefits should be released to an employee who has sought voluntary retirement within a period of 6 (Six) months, but it has not been done in the instant case. Thus, petitioner deserves to be compensated by way of grant of interest for the period he could not bring the amount to his proper utilization. By now, it is well settled that grant of interest @ 9% on the delayed payments is legally and factually justified and it was so held by this Court also in CWP No.15306 of 2016, captioned as **Hari Ram and others vs. Pepsu Road Transport Corporation, Nabha Road, Patiala.**

4. As an offshoot of the aforesaid discussion, instant petition is rendered infructuous as far as the main relief with regard to disbursal of

retiral benefits is concerned which, have been paid by the respondents during the pendency of the petition. At the same time, since there is no explanation for causing delay in disbursal of the aforesaid benefits, petitioner is entitled to interest as has also been discussed above.

5. Thus, instant petition is disposed of with a direction to the respondents to pay interest @ 9% per annum after the expiry of period of 6 months from the date of conclusion of disciplinary proceedings, i.e. 10.2.2014 which was conveyed to the petitioner and other Authorities vide endorsement dated 12.2.2014, till actual payment(s). The needful shall be done by the respondents within a period of 2 (Two) months from the date of receipt of certified copy of this order.

6. In case, petitioner still feels aggrieved, he shall be at liberty to approach this Court as well as/or to have recourse of other remedies available under the law.

July 3, 2018
Gulati

(JASPAL SINGH)
JUDGE

Whether Reportable : Yes

Whether Speaking/Reasoned : Yes