

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

LPA-1580-2017 (O&M)

Date of decision: - 01.10.2018.

State of Punjab and others

...Appellants

Versus

Yash Rani

...Respondent

**CORAM : HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. Suveer Sheokand, Addl. A.G., Punjab
for the appellants.

Mr. Rakesh Nagpal, Advocate
for the respondent.

MAHESH GROVER, J. (ORAL)

CM-3378-LPA-2017

For the reasons mentioned in the application, 76 days delay
in filing of present appeal is condoned.

CM stands allowed.

Main Case

Present Letters Patent Appeal is directed against the
judgment of learned Single Judge dated 10.05.2017.

After hearing the learned counsel for the parties, we are of
the opinion that order of learned Single Judge needs to be modified only

so far as the grant of interest is concerned. The respondent was an employee, who defaulted for overstaying his leave for more than one year. Due process was followed by the appellants-State prior to removal of respondent from service. Learned Single Judge has found no fault in the process leading to removal of the respondent from service, but has observed that considering the long period of 28 years of the service which respondent put in as an employee of the appellants with no complaints whatsoever except for one which eventually led to her removal, directed the punishment of removal to be converted to an order of compulsory retirement enabling the appellants-State to release other retiral benefits.

However, while accepting the prayer of the respondent as noticed above, learned Single Judge has directed the appellants-State to release the payment of pension along with interest.

For the purposes of reference, the relevant is extracted below: -

“In view of the above, the writ petition is being allowed to the extent that the order of removal from service is hereby converted to an order of compulsory retirement. The respondents herein are directed to release the retiral benefits of the petitioner within a period of four months from the date of receipt of certified copy of this order, along with interest @ 6% per annum, failing which the respondents would be liable to pay the interest @ 9% per annum thereafter.”

Since the respondent was at fault and the procedure was scrupulously followed, the grant of interest was not warranted, but we do not find any error so far as the remaining reasoning is concerned.

Consequently, we dispose of the present appeal with the modification that the appellants shall release the retiral benefits of the respondent, if not already done but it shall not carry any interest. The amount be released within three months from today.

With the aforesaid observations, the present appeal stands disposed of.

**(MAHESH GROVER)
JUDGE**

**(MAHABIR SINGH SINDHU)
JUDGE**

October 01, 2018
naresh.k

Whether reportable?	No
Whether reasoned/speaking?	Yes