

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

**L. P. A. No. 575 of 2018 (O&M)
in C. W. P. No. 15002 of 2016**

Date of decision : 31.05.2018

Nasib Singh – Registrar (Retd.) Appellant

vs.

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL.

HON'BLE MR. JUSTICE DEEPAK SIBAL.

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Present : Mr. Narinder Sharma, Advocate
 for the applicant-appellant.

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DEEPAK SIBAL, J. :

The instant intra court appeal is directed against order dated 23.10.2017 passed by the learned Single Judge of this Court, partly allowing the appellant's writ petition filed by him seeking therein payment of interest on delayed payment of retiral benefits as also the issuance of directions to take appropriate action against respondents no. 4 and 5, who, according to the appellant, were instrumental in issuance of false charge-sheets against him. Along with the appeal, an application for condoning delay of 135 days in filing of the appeal has also been filed.

The appellant retired on 31.12.2010. At that time, he was facing two departmental inquiries, which culminated in his exoneration in August 2014. In the meanwhile, payment of GIS, GPF and leave encashment were made to him on 07.03.2011, 21.04.2011 and 13.03.2012 respectively. Death-cum-retiral gratuity was also paid to him in two instalments on 16.01.2013 and 12.03.2015.

It is not disputed that at the time of his superannuation on 31.12.2010, the appellant was facing two different departmental proceedings, which culminated only in August 2014. However, prior

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thereto, he had already been paid GIS, GPF, leave encashment and a part of his death-cum-retiral gratuity. The remaining part of his death-cum-retiral gratuity amounting to ₹ 4,47,091/- was paid on 12.03.2015 and qua this amount, no reasonable explanation came from the respondents as to why the same was delayed after the culmination of the aforesaid departmental proceedings. Therefore, on the amount of ₹ 4,47,091/-, the learned Single Judge rightly held the appellant entitled to the grant of 9% interest from 20.08.2014 till the date of payment of the same to him i.e. 12.03.2015. On the other amounts, which had been disbursed to the appellant even prior to the culmination of his departmental proceedings, he had been rightly held not entitled to any interest.

So far as taking of action against respondents no. 4 and 5 is concerned, qua that too, the learned Single Judge has rightly held that no substance has been placed on record by the appellant on the basis of which action against the aforesaid respondents could be directed. Our attention has also not been drawn to any such substance on the record which would occasion a direction for initiation of action against respondents no. 4 and 5.

In view of the above, the present appeal is dismissed. Consequently, the application seeking condonation of delay in filing the appeal is also dismissed.

(RAJESH BINDAL)
JUDGE

(DEEPAK SIBAL)
JUDGE

May 31, 2018

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