

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

Date of decision: 31.05.2019

CWP No.7079 of 2019

Mohinder Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Baltej Singh Sidhu, Advocate, for the petitioner.

Ms. Jasleen Sidhu, AAG, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

1. In compliance of the previous order, Mr. Anurag Verma, IAS, Financial Commissioner, Department of Rural Development & Panchayats, Punjab is present in Court. He informs the Court that Superintendent of Police, Rupnagar has reinvestigated the matter on the directions of the trial Court and is tentatively of the opinion that no criminal offence is made out against the petitioner. He submits that though Government would release the amount, but since it is an FIR case and it can be closed only by the order of the Court and, therefore, the order regarding release of retiral dues be made subject to the result of the application, which may be filed to cancel the FIR.

2. At the same time, it may be recorded that case against the petitioner was that while he was working as a Deputy Director, Department of Rural Development & Panchayats, Mohali, a forged transfer and posting order was made by the office, which led to an administrative embarrassment. The petitioner said that the signature on the order was not his. Accordingly,

he recommended for registration of an FIR and suspension of 28 officials as abettor in the forged transfer and posting order. These recommendations of the petitioner were accepted and an FIR was registered. Therefore, it can be said that the FIR was registered at the instance of the petitioner.

3. At its worst, this is not a case of financial corruption, embezzlement or fraud committed by the petitioner and it is, therefore, highly debatable, whether it can impact post retirement benefits. However, the matter is still left to be examined for closure/cancellation by the trial Court.

4. At this stage, Mr. Baltej Singh Sidhu, learned counsel appearing for the petitioner has produced a chart showing the delay under the six heads of retiral benefits i.e. GPF, leave salary, arrear of revised salary, LTC, arrears of DA and Gratuity and requests for grant of suitable interest on the delayed payment.

5. The fact that neither charge-sheet nor a judicial proceeding was served or initiated prior to the retirement of the petitioner on 31.01.2017, then it is manifest that money due was illegally withheld without proper justification. Therefore, interest will be payable on the due amounts, except the amount due against LTC, falling due after three months of retirement till the date of payment, if made, under each head or till the amounts are paid.

6. Accordingly, the respondents are directed to calculate the retiral dues of the petitioner and release the amount alongwith interest at the rate of 9% per annum except on the amount of LTC to the petitioner within two months from the receipt of the certified copy of this order. The request of Ms. Jasleen Sidhu is accepted that payments to be made under orders passed today will remain subject to further orders of the trial Court.

7. With these observations and directions, the petition stands disposed of.

31.05.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>