

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.11752 of 2016 (O&M)
DATE OF DECISION:16.11.2019

Mr. Roop Lal

... Petitioner

Versus

Punjab State Civil Supplies Corporation Ltd.

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naresh Prabhakar, Advocate
for the petitioner.

Mr. Naresh Gopal Sharma, Advocate
for the respondent.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM No.16908 of 2019

The present application has been filed for placing on record the order dated 22.04.2019 as Annexure P-3, where the proceedings which were initiated against the petitioner have been filed.

Application is allowed.

Annexure P-3 is taken on record.

CWP No.11752 of 2016

The grievance which is being raised by the counsel for the petitioner is that the pensionary benefits of the petitioner have not been released by the respondents so far, despite the fact that the petitioner retired on attaining the age of superannuation on 31.03.2005. At the time of retirement of the petitioner on 31.03.2005,

there was a chargesheet dated 13.08.1987, which was pending against the petitioner and due to the pendency of the said chargesheet, the retiral benefits of the petitioner were withheld by the respondent.

The prayer of the petitioner in the present writ petition is that chargesheet was of the year 1987 and the petitioner has retired in the year 2005 i.e. after a period of 17 years of the issuance of the chargesheet and after retirement also, 11 years have elapsed still no action has been taken by the respondent in respect of the chargesheet dated 13.08.1987, the pensionary benefits of the petitioner are liable to be released.

Upon notice of motion, reply has been filed by the respondent and again the respondent has stated that as there were proceedings pending against the petitioner, the respondent was within their jurisdiction to withhold the pensionary benefits.

Counsel for the petitioner argues that during the pendency of the writ petition, the respondent has passed an order dated 22.04.2019 by which the chargesheet dated 13.08.1987 has been filed and hence presently there is no impediment in the release of the pensionary benefits of the petitioner.

Counsel for the respondent does not dispute the said fact.

No impediment, which is there in the release of the pensionary benefits, has been brought to the notice of this Court by the counsel appearing on behalf of the respondent.

Keeping in view the abovestated facts, there is no impediment now in the release of the pensionary benefits to the

petitioner.

Counsel for the respondent states that the pensionary benefits of the petitioner will be released within a period of three months from the receipt of the certified copy of this order.

Counsel for the petitioner prays that as the petitioner had superannuated on 31.03.2005 and it is already more than 14-1/2 years since the pensionary benefits were stopped and now as the chargesheet has been filed, therefore, the petitioner is also entitled for interest on the payments, which are to be released now by the respondent keeping in view the settled principles of law settled by the Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab, 1997 (3) SCT 468*, especially in view of the fact that the allegations alleged in the chargesheet have not been proved by the respondent. Counsel for the petitioner further argues that pendency of the chargesheet cannot cause prejudice to the petitioner and the petitioner needs to be compensated by the grant of interest.

Counsel for the respondent states that the claim of the petitioner, for the grant of interest keeping in view the settled principles of law, will also be considered and appropriate order will be passed keeping in view the facts and circumstances of this case, within the aforesaid period of three months.

Counsel for the petitioner states that keeping in view the statement of the counsel for the respondent, no further orders are required to be passed in the present writ petition at this stage and the petition be disposed of as having been not pressed in view of the statement of the counsel for the respondent.

Ordered accordingly.

However, it is made clear that the respondent will be bound by the statement, which has been recorded above.

November 16, 2019
jt

(HARSIMRAN SINGH SETHI)
JUDGE

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