

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

(214)

CWP-15621-2015

Date of Decision: July 25, 2019

Zora Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harish Sharma, Advocate, for the petitioner.

Mr. Vikas Mohan Gupta, Addl. A.G., Punjab.

Mr. Tarun Sharma, Advocate, for
Mr. Nitin Kaushal, Advocate, for respondent No.3.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner argues that the retiral benefits of the petitioner were not released in a reasonable time though the petitioner had retired on 30.04.2012. The said benefits were withheld keeping in view the charge-sheet which was served to the petitioner on 23.10.2008. In respect of the said charge-sheet, vide order dated 24.07.2019, the petitioner has been imposed punishment of 5% cut in his pension.

Keeping in view the reply filed on behalf of respondent No.3, all the benefits for which the petitioner was entitled for, has already been released and the said fact is not disputed by learned counsel for the petitioner. The details of payment which have been given to the petitioner have been detailed in paragraph 4 of the reply which include GPF, Leave Encashment, Gratuity and 10% of the balance pension.

Learned counsel for the petitioner makes a prayer for the grant
of interest.

Interest can only be granted in case there is no valid justification with the respondents to withhold the pensionary benefits. In the present writ petition, there was a charge-sheet pending against the petitioner on the date of his retirement and in the said charge-sheet, petitioner has been found guilty and punishment has been imposed on 24.07.2019. Once, the petitioner has been found guilty of the allegation and punishment has been imposed upon him, petitioner cannot claim the benefit of interest on the delayed payments, which have been released to the petitioner now after the culmination of disciplinary proceedings.

Learned counsel for the petitioner prays that the petitioner has wrongly been imposed the punishment. In this regard, the petitioner is at liberty to avail his remedy against the said order and in case he is successful, the petitioner can raise his claim for the grant of interest at that stage.

Keeping in view the fact that all the benefits for which petitioner was entitled, have already been released to the petitioner, the present writ petition has been rendered infructuous and counsel for the petitioner prays that he be allowed to withdraw the present writ petition with liberty to challenge the order of punishment in appropriate proceedings.

Dismissed as withdrawn with liberty as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

July 25, 2019
harsha

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