

CWP-16355-2017

-1-

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

CWP-16355-2017

Date of Decision: 22.01.2019

Balbir Singh Bisla

... Petitioner

vs.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Malkeet Singh, Advocate
for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J

In the present writ petition, the claim of the petitioner is for release of pensionary benefits, which were being withheld after the retirement of the petitioner, who retired on 31.10.2014 after availing one year extension.

As per the averments made in the writ petition, the petitioner attained the age of superannuation on 31.10.2013. Thereafter, he was granted the benefit of one year extension in service. The petitioner completed one year service on extension and retired on 31.10.2014.

Learned counsel for the petitioner states that after the retirement, his retiral benefits were not being released on the ground that there was a charge-sheet which was served upon the petitioner just before the retirement on 25.08.2014 which was pending. He further states that in the said charge-sheet, the petitioner was exonerated vide order dated 24.11.2016. Learned counsel for the petitioner contended that once charge-sheet pending, when the petitioner superannuated on 31.10.2014, has been dropped, the petitioner is entitled for all the benefits after his retirement.

Upon notice of motion, reply has been filed.

In the reply, the respondent(s) has stated that the benefits to the petitioner have already been released. The relevant paragraph No.5 of the reply is as under:

“That after retirement, the Petitioner filed CWP No. 5649 of 2015 in the Hon'ble Punjab and Haryana High Court and the Hon'ble Court was pleased to pass the following orders:-

“Keeping in view the prayer made in the petition, without adverting to the merits of the case, at this stage, the present petition is disposed of with a direction to the competent authority, to consider and decide the representation, Annexure P-2, by passing a speaking order, within a period of four months from the date of receipt of a certified copy of this order:

In compliance with the above said orders, speaking order was passed vide Endst No. G.I/Estt-1/E-1/0266-10269 dated 30-07-2015 and following relief was granted to the petitioner.

a. Sanction of Rs.8,02,046/- in lieu of GPF was given vide this office letter no. G.I/F-3/2454-58 dated 20-02-2015.

b. Sanction of Rs.5,05,664 in lieu of Leave encashment was given vide this office letter No. G.I/Estt-1/E-1/8500-8503 dated 22-06-2015.

c. Sanction of Rs.11081 in lieu of Provisional Pension including allowances was given vide this office letter No.G.I/Estt-1/E-2/8865-8868 dated 26-06-2015 w.e.f. 01-11-2014.

d. However, as per Rule 2.2 (C) of Punjab Civil Services Rules Volume-2 Chapter No.2 and instruction no 4/71/13-2 F/393 issued by the Department of Finance, Government of Punjab, gratuity of the petitioner had been withheld due to the pending charge-sheets against the petitioner, but now the office of Accountant General (A&E) Punjab (UT) has ordered the release of retirement gratuity of Rs.8,71,658/- to the petitioner and also approved pension of Rs.14,775/- vide letter dated 20.04.2018.”

Learned State counsel further states that in respect of the charge sheet issued to the petitioner in the case of an assault and undertrial prisoner,

CWP-16355-2017

-3-

which incident happened when the petitioner was working as Deputy Superintendent of the Central Jail, the petitioner was held guilty of the said charge sheet and, therefore, on 26.07.2016, 5% cut was imposed upon the petitioner. He further states that as there were two charge-sheet pending against the petitioner, hence, the benefits could not be released. As soon as the proceedings came to an end, the payment for which the petitioner was entitled for, have been released.

Counsel states that the petitioner is entitled for the interest on the delayed payments as there was no justifiable reason with the respondent(s) to withhold the same. He prays that though the payments have already been released now, he be given liberty to approach the respondent(s) by filing an appropriate representation claiming the interest by relying upon the judgment of the Full Bench of this Court in A.S.Randhwa vs. State of Punjab reported as 1997 (3) S.C.T. 468.

Keeping in view the above, the present writ petition is disposed of with a direction to the respondent(s) that in case, the petitioner files a representation seeking interest on the delayed payment, within a period of four weeks from today, the respondent(s) shall decide the same by passing an appropriate speaking order within a period of two months thereafter and in case, any merit is found in the representation of the petitioner for the grant of interest, the same should also be granted to him in view the settled principle of law mentioned above.

The writ petition stands disposed of.

22.01.2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No