

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21751-2016

Date of decision: - 13.02.2019

Surjit Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Pritam Singh Saini, Advocate, for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that he has not been paid the pensionary benefits despite the fact that he superannuated on 31.08.2012.

This Court passed order on May 14, 2018 that a sum of ₹7,26,915/- has already been sanctioned on 05.03.2018, but the payment has not been released to the petitioner by the District Treasury Officer, Ropar. The District Treasury Officer, Ropar was directed to release the same, if not already released.

When the case was taken up on 19.09.2018, again this Court was informed by counsel for the petitioner that though the amount of pensionary benefits stood sanctioned, but the payments have not been disbursed to the petitioner. Under these circumstances, again an order was passed for releasing the benefits to the petitioner in case there is no impediment.

On 15.11.2018, counsel for the petitioner stated that despite being an order for the release of the benefits, no amount has been disbursed to the petitioner. Under these circumstances, the District Treasury Officer, Ropar was directed to remain present in Court.

Today, Ms. Sukhwant Kaur, Treasury Officer, Office of District Treasury Officer, Ropar, has appeared and stated that amount of ₹5,44,500/- was paid to the petitioner on 10.05.2014 vide token No.1276 dated 22.04.2014 and further the balance amount of DCRG, amounting to ₹1,82,415/-, has also been paid to the petitioner on 20.04.2018 vide token No.901 dated 18.04.2018. She further stated that even the pension case has already been sent to the State Bank of India, Red Cross Bhawan, Ropar, vide letter dated 1652 dated 25.06.2018 and the said pension has already been released to the petitioner.

Counsel for the petitioner states that though the payments have been released now, but the petitioner is entitled for interest on the delayed release of the payments as he retired on 31.08.2012, whereas the payments have been released to him after an unexplained delay of more than five years.

Counsel for the petitioner further states that as per the settled principle of law as settled by a Full Bench of this Court in A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468, the petitioner is entitled for interest on the delayed release of the payment as well.

Counsel for the respondents, on the other hand, states that there was a charge-sheet, which was issued to the petitioner and upon the

conclusion of the enquiry, the petitioner has been imposed a punishment of 5% cut of pension for two years vide order dated 04.01.2018 and immediately upon the conclusion of the said enquiry, the benefits have already been released to the petitioner and therefore, he is not entitled for the interest as being claimed.

In my opinion, once the proceedings were pending against the petitioner and those were culminated in January, 2018 and punishment was also imposed upon the petitioner, petitioner will not be entitled for any interest for the reason that there was justifiable reason with the respondents to withhold the gratuity amount, which has been released now.

As all the payments due to the petitioner have already been credited in his account bearing No.55053108562, no further orders are required to be passed in the present writ petition.

However, in case the statement, which has been given by the District Treasury Officer, Ropar, today that all the payments had already been released to the petitioner, is found to be incorrect, the petitioner would be at liberty to approach this Court by filing appropriate application.

In view of the above, present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

February 13, 2019
naresh.k

Whether reasoned/speaking?
Whether reportable?

Yes
No