

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

CWP-23205 of 2016

Date of decision:03.12.2019

Daljit Singh

.... Petitioner

versus

Punjab State Power Corporation Limited and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. P.P.S. Thethi, Advocate
for the respondents.

HARSIMRAN SINGH SETHI, J.

The grievance raised in the present writ petition is that the petitioner retired on attaining the age of superannuation on 31.12.2013, on which date, a charge sheet dated 03.08.2010 was pending against the petitioner. Due to the pendency of the said charge sheet, the pensionary benefits of the petitioner were withheld. As the pensionary benefits of the petitioner were withheld, he filed writ petition being CWP No.17341 of 2015 with a prayer that the respondents be directed to release his pensionary benefits alongwith interest. The said writ petition was disposed of by this Court vide order dated 20.08.2015 (Annexure P/9) by giving directions to the respondents to take decision on the legal notice served by the petitioner with the respondents.

Thereafter, the respondents conducted enquiry proceedings, which proceedings

came to an end on 05.05.2016 and the petitioner was exonerated of the charges. After the said date i.e. 05.05.2016, there was no impediment in the release of the pensionary benefits to the petitioner, but same were actually released to him in December, 2017. Prayer of the petitioner is for grant of interest on the delayed release of amount, starting from 01.01.2014 onwards till payments were actually released.

Learned counsel for the respondents objects to the prayer of the petitioner for the grant of interest on the ground that there were disciplinary proceedings pending against him, which only attained finality in the year 2016, whereafter, certain information was required to be submitted by the petitioner, which was not submitted and, therefore, delay occurred in the release of the pensionary benefits to the petitioner is attributable to the petitioner only. Learned counsel for the respondents states that despite reminders, the information was supplied and that is why, despite the fact that proceedings came to end in the year 2016, payment was released only in the month of December, 2017.

I have heard Learned counsel for the parties and have gone through the records with their able assistance.

Once the withholding of the benefits by the respondents was due to the pendency of the charge sheet, in which, the respondents found the petitioner to be innocent, pendency of the same cannot cause prejudice to the petitioner, once petitioner was found innocent in respect of the allegations alleged in the charge sheet. It is only due to the allegations, which were levelled by the respondents against the petitioner, the respondents withheld the amount, though, the petitioner was entitled for the release of the pensionary benefits immediately upon his retirement. The

Petitioner has been restrained from using the said amount after the retirement due to an act of the respondents and pensionary benefits were released to him approximately after four years. Petitioner cannot be punished for allegations, which were wrongly alleged against him and which the respondents failed to prove against him. Upon being declared innocent and upon dropping of the charge sheet, the petitioner became entitled for grant of interest, otherwise the petitioner will suffer prejudice due an act of respondents as wrong allegations were lodged by the respondents, which they failed to substantiate against him.

With regard to the objection, which has been raised by learned counsel for the respondents that date of birth of wife of the petitioner was not supplied, the said objection is irrelevant. Date of birth of the wife is only needed for grant of pension and not for releasing the payment of leave encashment and gratuity. Said objection was frivolous as the pension was being already paid to the petitioner after his retirement and, therefore, respondents cannot take shelter behind the fact that the petitioner did not supply date of birth of his wife due to which delay in release of amount of gratuity and leave encashment occurred.

The present writ petition is allowed. Petitioner is held entitled for interest on the delayed release of pensionary benefits @ 9% per annum from the date amount became due till the same was actually released to the petitioner.

Let computation of the interest, for which the petitioner is entitled as per this order be carried out within a period of two months from the date of receipt of copy of this order and the payment so calculated be

released to the petitioner within a period of one month thereafter.

03.12.2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |