

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

CWP-26960-2017

Date of decision: - 15.07.2019

Baldev Singh

....Petitioner

Versus

The Punjab State Power Corporation Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Pankaj Sharma, Advocate,
for the petitioner.

Mr. Amit Wadhwa, Advocate
for Mr. Vaibhav Narang, Advocate
for the respondents.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that though he had retired on 30.04.2015 from the post of Junior Engineer, but the respondents did not pay him the retiral benefits and therefore, in the present writ petition a direction is being sought to the respondents for releasing the pensionary benefits alongwith interest @ 18% per annum w.e.f. 01.05.2015 onwards.

Reply has been filed on behalf of respondents No.1 to 3 today in the Court and the same is taken on record. A copy thereof has been supplied to counsel for the petitioner.

In the reply, the respondents have stated that there were proceedings pending against the petitioner as there was a charge-sheet pending on the date when he retired and the charge-sheet has been decided by the respondents vide order dated 22.10.2018 (Annexure R-1) and a punishment of 5% cut in pension has been imposed for a period of one year. Further it has been stated that after the disposal of the said charge-sheet, all the benefits for which the petitioner was found entitled for, have already been released to him and nothing remains to be released now. The relevant portion of the reply is as under: -

“1. That it is submitted that the petitioner has joined the department as a Lineman and subsequently was promoted as a J.E. on 19.09.2011 during his service period petitioner was charge sheeted on the basis of a complaint made by higher authorities against him. Subsequently, petitioner was retired on 30.04.2015. Due to pendency of enquiry against him, his retiral benefits had been withheld.

2. That on 22.10.2018 the charge sheet has been decided by the Joint secretary/Tech.-1 PSPCL Patial vide O/o NO.892 dated 22.10.2018. It has been decided that 5% cut in pension to be imposed for one year. A copy of this decision has already been sent to the petitioner and a copy of the said decision is annexed as Annexure R-1.

3. That after the disposal of the said charge sheet the retiral benefits and other benefits have been released to the petitioner. The copies of the office orders vide which the petitioner has been granted the retiral benefits and other benefits are annexed as Annexure R-2 (Colly).

4. That the prayer in the writ petition is that the petitioner has not been granted retiral benefits. Since there was a departmental proceedings going on against the petitioner. The same has been now concluded. As a result of which, the benefits have

been released to petitioner. Now nothing remains in the writ petition. If the petitioner is aggrieved with the decision in the enquiry then he has remedy to challenge that order before the appropriate authority.”

Counsel for the respondents states that against the imposition of penalty, petitioner has already filed an appeal, which is pending.

Counsel for the petitioner argues that the punishment has been wrongly imposed upon the petitioner and therefore, he should be granted the interest on the delayed release of the payments.

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

As per the settled principles of law, the respondents are well within their rights to withhold some of the retiral benefits due to the pendency of the disciplinary proceedings such as gratuity and leave encashment. In the present case, it has not been disputed by counsel for the petitioner that there was a charge-sheet pending at the time of retirement, which was issued to the petitioner in the year 2011. The said charge-sheet has been decided now. Petitioner has been held guilty of the allegations and the punishment imposed to the tune of 5% cut in pension for a period of one year.

Counsel for the petitioner argues that the said punishment has wrongly been imposed upon the petitioner.

Be that as it may, the challenge to the punishment order is not before this Court and the petitioner has already filed an appeal against the said punishment. In case the petitioner is exonerated and the

punishment is set aside, he will be at liberty to raise his claim qua the grant of interest at that stage, if need so arises. At this stage, when petitioner has been held guilty of the allegations and respondents were well within their rights to withhold certain benefits and those were released on culmination of the disciplinary proceeding, petitioner's counsel argues that delay in release was without any valid justification so as to entitle petitioner to claim interest.

In view of the above, no further order is required to be passed at this stage as all the benefits for which the petitioner was entitled for after his retirement have already been released to him and hence, the present writ petition is disposed of as having rendered infructuous.

(HARSIMRAN SINGH SETHI)
JUDGE

July 15, 2019
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	Yes