

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.32779 of 2019

DATE OF DECISION:14.11.2019

Gurdial Singh

... Petitioner

Versus

The Punjab State Power Corporation Ltd. and others ... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Jaidka, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

Counsel for the petitioner argues that though the petitioner had retired on 31.03.2015 but at the relevant time, there were two chargesheets pending against him, due to which his pensionary benefits were withheld.

Counsel for the petitioner states that the two chargesheets, which were pending against the petitioner were taken to their logical end vide order dated 25.11.2016 wherein 6% cut was imposed on the pension of the petitioner and second one vide order dated 06.09.2017 by which 5% cut was imposed on his pension.

Counsel for the petitioner argues that after 06.09.2017, there was no impediment in the release of the pensionary benefits of the petitioner but the respondents took more than a year to release the pensionary benefits of the petitioner, which were released only in

November, 2018 whereas as per the judgment of the Full Bench of this Court rendered in *A.S. Randhawa Vs. State of Punjab, 1997 (3) SCT 468*, pensionary benefits are to be released within a reasonable time in case there is no impediment and the reasonable time fixed is two months. Therefore, time taken by the respondents in the release of the pensionary benefits after conclusion of the proceedings i.e. 06.09.2017, which is more than one year was beyond the reasonable time fixed by the Full Bench. Therefore, the petitioner needs to be compensated by the grant of interest.

The prayer of the petitioner is for issuance of an appropriate direction to the respondents to pay the petitioner interest on the delayed release of his pensionary benefits starting from 01.11.2017 onwards till the same were released in November, 2018.

Counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has submitted a representation dated 30.12.2018 (Annexure P-6) with the respondents, which is still pending consideration and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the representation dated 30.12.2018 (Annexure P-6) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the representation dated 30.12.2018 (Annexure P-6), the present writ petition is disposed of with a direction to the respondents to decide the representation dated 30.12.2018

(Annexure P-6) within a period of three months from the receipt of certified copy of this order.

November 14, 2019
jt

(HARSIMRAN SINGH SETHI)
JUDGE

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