

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

206

**CWP-18801-2016 (O&M)
Date of decision: 31.03.2021**

ITWAR SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Harbans Lal Sharma, Advocate,
for the petitioner.

Ms. Maloo Chahal, DAG, Punjab.

Mr. Malkeet Singh Ballianwali, Advocate,
for Municipal Corporation, Ludhiana.

ANIL KSHETARPAL, J.

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner after having retired on attaining the age of superannuation in the year 2010, is still litigating in the Court. The petitioner was issued a charge-sheet on the ground that when a worthy Minister of the Local Government visited the area, it was found that a house with three new floors without getting the building plans sanctioned from Municipal Corporation are under construction.

The petitioner was charge-sheeted on 13.01.2010, whereas, he retired on 28.02.2010. In reply, the petitioner submitted that he has been wrongly issued a charge-sheet as he was never posted in the area concerned.

On 20.10.2020, the Secretary, Government of Punjab, Local Government Department, dropped the charge-sheet with the following observation:-

“2. That in the reply filed to the charge sheet by this employee on dated 07.12.2015 it had been pleaded by him that he was not posted in the area regarding which the charge sheet about unauthorized construction was issued. This employee had filed CWP No.19901 of 2016 in the Hon'ble High Court. The Commissioner Municipal Corporation Ludhiana vide his report dated 06.06.2017 and dated 10.09.2020 has informed that the charge sheet which has been issued to this employee about unauthorized construction in the area, he was not posted in that area.”

Learned counsel for the petitioner contends that on account of the aforesaid charge-sheet, his retiral benefits were withheld which have been recently released on 29.03.2021.

Keeping in view the aforesaid facts, it is considered appropriate to direct that the petitioner would be paid interest at the rate of 7% per month on the amount of delayed payment, to be calculated from 01.03.2011 (6 months from the date of retirement) till the date of actual payment.

Disposed of accordingly.

31.03.2021

Ayub/nt

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No