

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CWP No.15822 of 2017
Date of decision: 15.07.2021

Sudesh Kumar Sood

...Petitioner

Versus

Punjab State Civil Supplies Corporation Ltd.
and another

...Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parveen Kumar Garg, Advocate for the petitioner.

Mr. Vishal Mehta, Advocate,
for Mr. Mehardeep Singh, Advocate
for respondent-Corporation.

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HARSIMRAN SINGH SETHI, J. (ORAL)

The present petition has been filed seeking interest on the delayed release of the pensionary benefits of the petitioner. The challenge in the present writ petition is also to the order dated 24.03.2017 (Annexure P/9), by which the said claim of the petitioner for the grant of interest on the delayed release of the pensionary benefits has been rejected by the respondent-Corporation.

As per the facts in the present writ petition, the petitioner retired from service on 30.06.2015 after attaining the age of 60 years after availing two years extension in his service. While the petitioner was in service, an enquiry was being conducted against the colleague of the

petitioner in respect of the charge-sheet dated 11.06.2013 and during the enquiry proceedings, the name of the petitioner also cropped for having committed certain lapses and on the basis of the same, the respondent-Corporation decided to charge sheet the petitioner vide order dated 04.01.2016.

Before the charge sheet could be issued to the petitioner, the petitioner filed representation with the respondent-Corporation accepting his guilt and prayed for sympathetic view and keeping in view the admission of guilt, the petitioner was imposed a punishment of 'Censure' vide order dated 20.07.2016 (Annexure P/3). After the said punishment of censure imposed to the petitioner, all the pensionary benefits of the petitioner were released to him within a period of two months of the imposition of the said censure punishment upon the petitioner.

Feeling aggrieved against the non-grant of interest on delayed payment to the petitioner while releasing the pensionary benefits by the respondent-Corporation, the petitioner filed a writ petition before this Court being CWP No.353 of 2017, which was disposed of by this Court directing the respondent-Corporation to decide the representation of the petitioner claiming interest on the delayed release of the pensionary benefits. In pursuance to the said directions, the respondent-Corporation passed a speaking order dated 24.03.2017 (Annexure P/9) rejecting the claim of the petitioner, which order is under challenge in the present petition.

Notice of motion was issued to the respondents to file reply. In the reply, respondents have taken the following stands:-

“ It is pertinent to note that the competent authority had ordered for issuance of chargesheet against the

petitioner on account of not dealing with the inquiry report in respect of chargesheet No. Admn. MKT (503)-2013/8176 dated 11.06.2013 while the petitioner was still in service. Subsequently, the petitioner submitted a representation dated 13.06.2016 (Annexure-I) wherein he accepted the lapse on this account. Later, vide order dated 25.07.2016, the competent authority considered the reply of the petitioner and awarded the punishment of censure while deciding to withdraw the aforementioned order of chargesheet.

Further a complaint dated 08.07.2015 against the petitioner was received in the office of answering respondent and was marked to the then Chief Vigilance Officer (CVO)/GM (IT), PUNSUP for inquiry. The same was filed on 17.06.2016.

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x x x x x x x

That the contents of para NO.5 of the writ petition are admitted as matter of record to the extent that order to chargesheet the petitioner was passed on 04.01.2016 but having considered the representation dated 13.06.2016 of the petitioner, wherein the petitioner confessed to his lapse, the competent authority decided to withdraw the earlier order dated 04.01.2016 while awarding the punishment of censure. These orders were passed on 25.07.2016 by the competent Authority keeping in view the Punjab Civil Services (Punishment & Appeal) Rules, 1970 as applicable to respondent Corporation.”

There is no replication to controvert the averments made in the reply filed by the respondents.

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

The prayer of the petitioner which has been pressed before this Court in the present writ petition is that the petitioner has wrongly been denied the benefit of interest on the delayed release of his pensionary benefits. Learned counsel for the petitioner submits that as per the settled principle of law settled by the Full Bench of this Court in **A.S. Randhawa vs. State of Punjab 1997(3) S.C.T. 468** in case, the pensionary benefits are released to an employee after a period of two months of his/her retirement, an employee is entitled for interest for the said delay in release of pensionary benefits. Hence, as the petitioner retired in the month of June, 2015 and his retiral benefits were released by the respondent-Corporation to him in the month of September, 2016, the petitioner is entitled for grant of interest on the said delayed release of payment.

There is no denial that as per the settled principle of law settled by the Full Bench of this Court in **A.S. Randhawa vs. State of Punjab 1997(3) S.C.T. 468**, an employee is entitled to receive the pensionary benefits within a period of two months from his/her retirement, in case, there are no departmental or criminal proceedings pending against the employee which would entitle the department to withhold his/her pensionary benefits and non release of the retiral benefits without any valid justification will invite interest on the payment released after a period of two months of retirement.

In the present case, it is clear that name of the petitioner had cropped with regard to certain irregularities while the enquiry was being conducted against the colleague of the petitioner while the petitioner was in service. It is also a matter of record that the respondents had decided to

initiate proceedings against the petitioner but the petitioner himself pleaded guilty and accepted his fault due to which, he was imposed a punishment of censure by the respondent-Corporation vide order dated 20.07.2016 (Annexure P/3). Once the petitioner accepted his guilt and was also censured, it cannot be said that there was no cause with the respondent-Corporation to withhold the pensionary benefits of the petitioner after his retirement.

The punishment of censure was imposed upon the petitioner in July, 2016 and by September, 2016 i.e. within a period of two months, the pensionary benefits, for which the petitioner was entitled for were released to him and there was no delay in releasing the same.

In the present case, it can be seen that there was a justifiable reason with the respondent-Corporation to withhold the pensionary benefits of the petitioner as the petitioner himself pleaded guilty to the allegations with regard to irregularities and was also censured in the same. It cannot be said that withholding of the pensionary benefits of the petitioner by the respondent-Corporation was without any justifiable reason for which the respondents should pay interest to the petitioner. Interest on delayed release of pensionary benefits can only be paid in case the pensionary benefits have been withheld by the department without any valid justification and without there being any fault on the part of an employee claiming the pensionary benefits. Present case does not belong to the said category.

No other argument has been raised by the learned counsel for the petitioner. Even challenge to order dated 20.07.2016 (Annexure P/3) has not been pressed before this Court.

Keeping in view the above, no ground is made to interfere in

the order dated 24.03.2017 (Annexure P/9) passed by the respondent-
Corporation.

Dismissed.

July 15, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No