

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(106)

CWP No. 6829 of 2020

Date of Decision : 23.05.2022

Davinder Pritpal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Surender Garg, Advocate for  
Mr. Lalit Sharma, Advocate for the petitioner.

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**Harsimran Singh Sethi J. (Oral)**

In the present petition, the petitioner is claiming interest on the delayed release of the pensionary benefits and also to refund the interest, which has been charged to the petitioner in respect of the loan, which the petitioner had availed while in service.

Learned counsel for the petitioner argues that in the present case, the petitioner retired while working on the post of Assistant Manager Accounts, on 31.01.2014. As the retiral benefits were not being released to the petitioner, the petitioner filed CWP No. 11141 of 2014 seeking release of the pensionary benefits. During the pendency of the said petition, the pensionary benefits were released to the petitioner and the said petition was disposed of with liberty to the petitioner to claim the interest on the delayed release of the pensionary benefits and with direction to the respondents to

pass a speaking order in case, the said claim is made by the petitioner. The impugned order dated 29.12.2015 (Annexure P-1) has been passed by the respondents denying the claim of the petitioner for the grant of interest.

Learned counsel for the petitioner argues that though, the charge-sheet was pending on the date when the petitioner retired but ultimately, the said charge-sheet was dropped by the respondents, which would entitle the petitioner the grant of interest. Learned counsel for the petitioner submits that as the pensionary benefits were released to the petitioner in July, 2015, petitioner is entitled for the grant of interest starting from February, 2014 onwards till the actual payment of the same.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

The pensionary benefits of the petitioner were withheld on two accounts, one due to the pendency of the disciplinary proceedings and the second due to an outstanding loan amount, which was pending against the petitioner. Though, the charge-sheet was dropped, but loan amount had not been refunded back by the petitioner, which had led to the withholding of his pensionary benefits. As per the impugned order dated 29.12.2015 (Annexure P-1), it was only on 27.05.2015 that the petitioner gave an affidavit that outstanding loan amount be adjusted from his retiral dues, then action was taken by the respondents and within a period of two months of the submission of the said affidavit, the benefits were released to the petitioner.

That being so, the delay in release of the pensionary benefits is not attributable to the respondents but to the petitioner. It was due to the

action of the petitioner that he was still to repay the loan that the pensionary benefits were withheld. As, within a period of two months of the submission of the affidavit that the loan amount be adjusted against the amount of retiral benefits, the pensionary benefits were released to the petitioner, therefore, the petitioner cannot raise any grievance with regard to the claim for the grant of interest.

Dismissed.

**May 23, 2022**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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