

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CWP-26155-2016

Date of Decision :21.07.2022

**Bhim Singh Mathur (since deceased)
through LRs**

...Petitioner

Versus

UHBVNL and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajender Singh Malik, Advocate for the petitioner.

Mr. Hitesh Pandit, Advocate for the respondents.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the petitioner is claiming retiral benefits along with interest as well as release of an amount of Rs.81,000/-, which has been withheld by the respondents on account of the shortage of the material. The petitioner also claims interest on the delayed release of the pensionary benefits.

As per the facts mentioned in the writ petition, the petitioner while working on the post of Sub Divisional Officer attained the age of superannuation on 30.11.2012. At the time when the petitioner retired from service i.e. 30.11.2012, there were six charge sheets pending against him. After the retirement of the petitioner, five charge sheets were dropped but, in one charge sheet, which was issued to the petitioner on 03.05.2010, he was held guilty and punishment of recovery of an amount of Rs.33,509/- was inflicted upon the petitioner. After the dropping of the said charge

sheet, the petitioner was released all the pensionary benefits, for which, he was entitled for, as all the proceedings pending against him at the time of his retirement, came to an end. The petitioner claims that as the pensionary benefits were released to the petitioner after a period of four years of his retirement, the petitioner is entitled for the grant of interest on the delayed release of the pensionary benefits.

After notice of motion, the respondents have filed reply, wherein, it has been clearly stated that there were six charge sheets pending against the petitioner at the time of his retirement and though, five charge sheets were dropped subsequent to his retirement but, in one charge sheet, which was issued to the petitioner on 03.05.2010, he was found guilty and punishment of recovery of an amount of Rs.33,509/- was imposed upon him by the respondents on 21.06.2016. Respondents have further submitted that keeping in view the fact that after the disciplinary proceeding pending against the petitioner came to an end, all the amount, for which, the petitioner was found entitled for after his retirement, was released, the claim of the petitioner stands satisfied.

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

In the present case, it is a conceded position that amount for which, the petitioner was entitled for after his retirement, has already been released to him. The only question which survives is whether the petitioner is entitled for the grant of interest on the delayed release of the pensionary benefits or not.

As per the judgement of the Full Bench of this Court in *A.S.*

Randhawa Vs. State of Punjab and others, 1997(3) SCT 468, an employee is entitled for the release of his pensionary benefits within a period of two months of his/her retirement in case there is no impediment in the release of the same. The said law is to be applied qua the time period fixed even if, there is an impediment at the time of retirement but the said impediment cease to exist at a later stage. Hence, when an employee is entitled for the release of the pensionary benefits but the same are withheld due to the pendency of the disciplinary proceedings against the employee but after the impediment ceases to exist, the employee is entitled for the release of the said withheld pensionary benefits within a period of two months from the date, the said disciplinary proceeding came to an end. In the present case, the disciplinary proceedings pending against the petitioner came to an end in June, 2016 and as per the averments made in para-6 of the writ petition, all the pensionary benefits were released to the petitioner in July, 2016. That being so, the pensionary benefits were released to the petitioner within a time framed fixed by the settled principle of law.

In the facts and circumstances of this case, it cannot be said that there is delay of four years in releasing the pensionary benefits to the petitioner for the reason that once the disciplinary proceedings were pending against the petitioner at the time of his retirement, the respondents were well within their right to withhold the same till the conclusion of those disciplinary proceedings. Therefore, in the present petition, there is no inordinate delay on the part of the respondents in releasing the pensionary benefits of the petitioner as the benefits were released to the petitioner within a period of two months of the disciplinary proceedings attained

finality. Hence, the claim of the petitioner for the grant of interest on pensionary benefits released to him is not maintainable and is accordingly rejected.

The present petition stands dismissed.

July 21, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No