

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

244

CWP-30572-2018

Date of Decision :17.05.2022

Amarjit

..Petitioner

Versus

The Punjab State Power Corporation Limited
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pankaj Sharma, Advocate for the petitioner.

Ms. Monica Chhibber Sharma, Advocate
for the respondent-PSPCL.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed for the grant of interest on the delayed release of pensionary benefits of the petitioner, which were withheld by the respondents despite the fact that there were no proceedings pending against the petitioner on the date, he retired from service on attaining the age of superannuation i.e. 31.05.2017.

As per the averments made in para No.5 of the writ petition, amount of GPF was paid to the petitioner in July, 2017 i.e. within a reasonable time whereas, the petitioner was given 100% provisional pension starting from 02.02.2018 and the arrears were paid to him on 01.10.2018. Leave encashment was paid to the petitioner in June, 2018 and the gratuity was paid in July, 2018. Learned counsel for the petitioner argues that as the respondents have withheld the pensionary benefits of the petitioner except

GPF beyond the reasonable period of two months, the petitioner is entitled for the grant of interest on the delayed release of pensionary benefits as per the settled principle of law settled by the Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468.***

After notice of motion, the respondents have filed reply wherein, they have mentioned that at the time when the petitioner retired from service, there was a charge sheet dated 25.01.2017 pending against him, which was decided on 26.07.2017 and after the retirement, the petitioner was issued two more charge sheets dated 23.06.2018 and 16.04.2018, wherein the petitioner was imposed punishment of stoppage of 5% cut in the pension of the petitioner for one year and the said charge sheets only came to an end in August, 2018, after which date, all the pensionary benefits admissible to the petitioner were released to him.

Learned counsel for the respondents submits that as there is no delay in the release of pensionary benefits of the petitioner after the disciplinary proceedings pending against the petitioner came to an end, the claim of the petitioner for the grant of interest may kindly be declined.

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

Once, the charge sheet dated 25.01.2017, which was pending on the date the petitioner was retired, was taken to its logical end vide order dated 26.07.2017, there was no impediment in release of the pensionary benefits as the other charge sheets were issued after the retirement of the petitioner, the same could not have been made ground to retain the pensionary benefits of the petitioner hence, the respondents should have released all the pensionary benefits of the petitioner within a reasonable

time after 26.07.2017. A charge sheet issued subsequent to the retirement of the petitioner does not give jurisdiction to the respondents to retain his pensionary benefits keeping in view the law settled by this Court in **CWP-26406-2015** decided on 06.11.2019 titled as **Subha Chand vs. State of Haryana and another.**

Further, a Full Bench of this Court in **A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468**, has held that 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 relevant paragraph of said judgment is as under:-

“Since a government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retiree in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months from the date of retirement which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty thereby denying to the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of his retirement.”

Applying the said ration in the present case, after the disciplinary proceedings initiated against the petitioner in pursuance to charge sheet dated 25.01.2017 came to an end vide order dated 26.07.2017, by 01.10.2017 i.e. after a period of two months, the respondents should have released all the pensionary benefits admissible to the petitioner and there was no jurisdiction with the respondents to withhold the same after the said

date. Charge sheets dated 23.06.2018 and 16.04.2018, which were issued to the petitioner after his retirement, will not give jurisdiction to the respondents to withhold the pensionary benefits of the petitioner.

That being so, prayer of the petitioner for the grant of interest on delayed payment is covered by the judgement passed by the Full Bench of this Court in **A.S. Randhawa's case (supra)**.

Resultantly, the prayer of the petitioner is allowed. Petitioner is held entitled for the interest @ 6% per annum on the delayed release of pensionary benefits except the GPF, which was released to the petitioner within a reasonable time. The petitioner will be entitled for interest starting from 01.10.2017 onwards till the actual payments will be released to him. Let the computation of interest be done by the respondents within a period of two months from the receipt of copy of this order and the amount so calculated shall be paid to the petitioner within a period of four weeks thereafter.

The writ petition is allowed in above terms.

May 17, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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