

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(234)

CWP-5954-2018

Date of Decision : September 06, 2022

K.K. Jain

.. Petitioner

Versus

State of Haryana and another

.. Respondents

(254)

CWP-15880-2019

Krishana Rani Sihag

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raman B. Garg, Advocate, for the petitioner
in CWP No.5954 of 2018.

Mr. Jasbir Mor, Advocate, for the petitioner
in CWP No.15880-2019.

Mr. Raman K. Sharma, Additional Advocate General,
Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, two writ petitions, the details of which

have been given in the heading of the order, are being disposed of as both the petitions involve the same question of law on similar facts. For the sake of convenience, the facts are being taken from CWP No.5954 of 2018.

In the present petition, the petitioner is claiming interest on the delayed release of the pensionary benefits.

As per the averments made in the petition, the petitioner joined as Executive Officer in the respondent-Corporation on 30.04.1982 and retired from the same post on attaining the age of superannuation on 28.02.2015. On 20.02.2015, the petitioner was issued a charge-sheet. Keeping in view the said fact, all the retiral benefits, for which the petitioner was entitled for, were not released. Thereafter, another charge sheet was issued to the petitioner on 16.12.2015 again alleging some misconduct in respect of the events which took place from 2004 to 2009. The proceedings in respect of the charge sheet dated 28.02.2015 as well as 16.12.2015 were ultimately dropped by the respondents vide orders dated 26.05.2017, copies of which have been appended as Annexures P-3 and P-4. After the petitioner was exonerated, his withheld retiral benefits were released to him on 13.06.2017 and the present petition has been filed seeking the interest on the said delayed release of the pensionary benefits.

After notice of motion, the respondents have filed the reply. The Municipal Corporation has mentioned that as there was a charge sheet issued to the petitioner prior to the retirement and one charge sheet after the retirement, the Corporation was well within its jurisdiction to withhold certain pensionary benefits keeping in view the rules governing the service and the moment, the charge sheets were dropped, the withheld payments were released to the petitioner, hence, no interest is liable to be paid to the

petitioner.

Similar is the case in CWP No.15880-2019 wherein also retiral benefits were withheld after the petitioner retired on 31.12.2016 on the basis of the pendency of the disciplinary proceedings, which proceedings were dropped by the respondents as charges could not be proved.

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

As per the facts and circumstances, which have been stated hereinbefore, once a charge sheet was pending against the petitioner(s), the respondents were well within their jurisdiction to withhold the pensionary benefits but as the allegations alleged against the petitioner(s) in those charge sheets were not proved and the same were dropped, the question of law that would arise is whether, the pendency in those charge sheets, can cause prejudice to the petitioner(s).

The said question came up for consideration before this Court in *CWP No.12146 of 2016 titled as Tara Chand Tusamer vs. State of Haryana and another, decided on 22.05.2019*, wherein, it was held that once the charge sheet has been dropped and the employer failed to prove the allegations, the pendency of the charge sheets cannot cause prejudice to the employee so as to claim interest on the delayed release of pensionary benefits.

That being so, in the present case also, the charge sheets were dropped by the respondents as the Department failed to prove the allegations against the petitioner(s), hence, the petitioner(s) are held entitled for interest on the delayed release of the pensionary benefits from the date the same had become due till the actual payment was released to the

petitioner(s) @ 6% per annum.

Let the interest for which the petitioner(s) are held entitled for in the present order, be computed within a period of two months from the receipt of copy of this order and the be released to the petitioner(s) within a period of one month thereafter.

Both the writ petitions are allowed in above manner.

A photocopy of this order be placed on the file of other connected case.

September 06, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No