

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

COCp-851-2022

Date of Decision : March 23, 2023

Roop Lal

.....Petitioner

Vs.

Ravinder Kumar Kaushik

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Naresh Prabhakar, Advocate
for the petitioner.

Mr. Ravi Dutt Sharma, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J.

Counsel for the petitioner alleges violation of the order
dated 16.11.2019 vide which it was directed as under :-

"Keeping in view the above-stated facts, there is
no impediment now in the release of the pensionary
benefits to the petitioner.

Counsel for the respondent states that the
pensionary benefits of the petitioner will be released
within a period of three months from the receipt of
the certified copy of this order.

Counsel for the petitioner prays that as the
petitioner had superannuated on 31.03.2005 and it is
already more than 14-1/2 years since the pensionary
benefits were stopped and now as the charge-sheet

has been filed, therefore, the petitioner is also entitled for interest on the payments, which are to be released now by the respondent keeping in view the settled principles of law settled by the Full Bench of this Court in A.S. Randhawa Vs. State of Punjab, 1997 (3) SCT 468, especially in view of the fact that the allegations alleged in the charge-sheet have not been proved by the respondent. Counsel for the petitioner further argues that pendency of the charge-sheet cannot cause prejudice to the petitioner and the petitioner needs to be compensated by the grant of interest.

Counsel for the respondent states that the claim of the petitioner, for the grant of interest keeping in view the settled principles of law, will also be considered and appropriate order will be passed keeping in view the facts and circumstances of this case, within the aforesaid period of three months.

Counsel for the petitioner states that keeping in view the statement of the counsel for the respondent, no further orders are required to be passed in the present writ petition at this stage and the petition be disposed of as having been not pressed in view of the statement of the counsel for the respondent.

Ordered accordingly."

Counsel for the petitioner submits that in defiance of the aforesaid order, an order was passed on 24.6.2020 declining grant of interest on the delayed payment of the retiral benefits.

Counsel for the petitioner submits that the pensionary benefits of the petitioner were withheld for about 14 years, therefore, the petitioner is entitled to interest.

Affidavit dated 23.3.2023 of the General Manager, Punjab State Civil Supplies Corporation Limited is on record. As per the affidavit, the petitioner retired on 31.1.2005 and, at that time, four departmental cases were pending in which the charge sheet was issued. Later on, the charges on conclusion of enquiry, two charges were dropped and against charge sheet dated 5.1.1996 of recovery of Rs.81,177/- was imposed and the same were to be recovered from his retirement dues and the services of the petitioner were also censored. Due to this reason, the retiral benefits were withheld.

Later on, the petitioner has deposited the draft of Rs.81,177/- in the office of District Manager, PUNSUP, Kapurthala and the amount was not deducted from the dues and Rs.3,88,179/- were released on 24.6.2020. However, the interest was denied as the Corporation has filed a civil suit against the petitioner in the year 1996 causing loss to the Corporation and the suit was decreed in favour of the Corporation vide judgment and decree dated 21.11.2006. The appeal filed by the petitioner was dismissed by the learned Appellate Court and, therefore, in RSA No.4199 of 2009 vide order dated 17.1.2011, the petitioner was directed to deposit the security before the trial Court and, thereafter, the RSA was admitted. It is further stated that the petitioner filed CWP-8990-2022 against the order dated 24.1.2020 challenging the

order dated 24.6.2020 and the same is pending adjudication before the writ Court. It is, thus, submitted that since the order dated 24.6.2020 is passed in compliance of the order dated 16.11.2019 passed by the writ Court and the same is sub-judice in the subsequent CWP-8990-2022, no willful disobedience is made out.

After hearing learned counsel for the parties, this Court finds that in view of the fact that the petitioner himself has challenged the order dated 24.6.2020 by filing an independent writ petition, which is pending, no willful disobedience is made out.

Dismissed.

March 23, 2023
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO