

241
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11275-2019 (O&M)
Date of Decision: 24.01.2023

SHIV KUMAR

....Petitioner(s)

Versus

PUNJAB STATE POWER CORPORATION LTD AND ORS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajeev Dev Sharma, Advocate, for the petitioner.

Mr. Jaipal Sandhu, Advocate, for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India seeking a writ in the nature of Mandamus directing the respondents to pay the interest to the petitioner on the delayed retiral benefits in view of Full Bench judgment of this Court in *A.S. Randhawa Versus State of Punjab and others, 1997(3) SCT 468 (F.B.)*

Learned counsel for the petitioner has submitted that the petitioner was working with the respondent-Corporation and he retired as Lineman on 31.05.2014 and after his retirement, retiral benefits were not paid to the petitioner and thereafter he was compelled to file writ petition No.18534 of 2017 seeking directions for payment of pensionary benefits and this Court vide Annexure P-6 disposed of the petition with a direction to the Secretary, Punjab State Power Corporation Ltd, Patiala and Chief

Managing Director, PSPCL, Patiala to look into the grievance laid by the petitioner and to take a conscious decision in accordance with law and also with regard to grant of interest on delayed payment in view of the observations made by a Full Bench judgment of this Court in *A.S. Randhawa Versus State of Punjab and others, 1997(3) SCT 468 (F.B.)* He submitted that thereafter vide Annexure P-7 an order was passed by the Additional Superintending Engineer on 21.12.2017 whereby it was observed that the retiral benefits have been paid to the petitioner on 31.08.2017 but so far as the grant of interest is concerned, the same was not granted to the petitioner. He submitted that a perusal of the reply which has been filed by the respondent-Corporation would show that the reasoning given by the respondent-Corporation was that the petitioner was not regularly appearing in the inquiry and was using delaying tactics and before the retirement of the petitioner in the year 2014 on the basis of departmental inquiry, he was inflicted a punishment on 11.12.2013 whereby his one annual increment alongwith future effect was stopped. He, thereafter, filed an appeal before the Superintending Engineer which was ultimately dismissed on 08.03.2016 and that is the reason as to why his retiral benefits have been delayed. He submitted that this was not justifiable reason for delaying the retiral benefits of the petitioner and therefore, he is entitled for the grant of interest.

On the other hand, Mr. Jaipal Sandhu, Advocate appearing on behalf of the respondent-Corporation has submitted that the only reason which has come up in the reply filed by the respondent-Corporation is that

the petitioner was not cooperating with the inquiry and his appeal was still pending at the time his retirement which was ultimately dismissed by the Superintending Engineer on 08.03.2016 and therefore, it cannot be said that there was a delay in disbursement of the retiral benefits.

I have heard the learned counsel for the parties.

The petitioner retired as a Lineman on 31.05.2014 and even as per the learned counsel for the parties, a punishment order was passed against him by the Disciplinary Authority on 11.12.2013 by which his one annual increment with future effect was stopped. Thereafter, the petitioner had retired in the year 2014. Therefore, it cannot be said that the said disciplinary proceedings were still in operation but punishment order had already been passed prior to his retirement and therefore, there was no justification for the respondent-Corporation to withhold the retiral benefits of the petitioner. The mere pendency of appeal itself cannot become a ground for delaying the retiral benefits of the petitioner particularly in view of the fact that it was only a functionary of the Corporation i.e. Superintending Engineer who was to decide the appeal and cannot become a basis for delaying the retiral benefits. The petitioner was constrained to file earlier writ petition wherein directions were issued by this Court and in pursuance thereof, the retiral benefits have been paid to the petitioner in the year 2017. The justification given by the learned counsel for the respondent-Corporation for delay is not sustainable. As of now the retiral benefits of the petitioner have already been paid but now the scope of the present petition is only for the grant of interest on the delayed payment.

In view of the aforesaid factual position and the law laid by a Full Bench of this Court in *A.S. Randhawa Versus State of Punjab and others (Supra)*, the petitioner is entitled for the grant of interest on the delayed payment.

Consequently, the present petition is allowed. The petitioner shall be entitled for the grant of interest 6% from the date of accrual of the pensionary benefits till the date of its disbursement. The interest amount shall be calculated by the respondent-Corporation within a period of two months from today and shall be paid to the petitioner thereafter within a period of two months.

24.01.2023

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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