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

252 **CWP-15976 of 2021**
Date of Decision:20.03.2023

Bimal Kumar

....Petitioner(s)

Versus

Punjab State Civil Supplies Corporation Ltd.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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Present: Mr. J.P. Rana, Advocate, for petitioner.
Mr. P.S. Sidana, Advocate, for respondent No.4.
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JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing of the order dated 30.06.2020 (Annexure P-7) passed by the respondent rejecting the claim of the petitioner for release of interest on the amount of leave encashment of Rs.7,32,510/-.

Learned counsel for the petitioner submitted that the petitioner had attained the age of superannuation on 30.11.2015 but thereafter two years' extension was granted to him and thereafter he retired on 30.11.2017. He submitted that during the service of the petitioner, he was facing a charge-sheet and the Board of Directors withheld the leave encashment of the petitioner because of the pendency of the charge-sheet. He submitted that thereafter the charge-sheet was dropped on 20.08.2019 and leave encashment was paid to the petitioner on 24.10.2019. He submitted that once the charge-sheet itself has been dropped, then the petitioner was entitled for the grant of interest from the date of his retirement till the date of actual disbursement i.e. on 24.10.2019 and

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interest could not have been denied to the petitioner. He submitted that the limited scope of the present petition only pertains to the extent of grant of interest on the aforesaid payment of leave encashment.

On the other hand, learned counsel appearing on behalf of respondent submitted that the leave encashment was withheld on the basis of a decision which was taken because of the pendency of the charge-sheet against the petitioner and therefore the petitioner is not entitled for the grant of interest.

I have heard the learned counsel for the parties.

The petitioner had retired on 30.11.2017 and there was a pendency of a charge-sheet against him which ultimately was dropped by the respondent-Corporation itself. Therefore, the petitioner is certainly entitled for the grant of interest from the date of his retirement till the date of actual disbursement i.e. 24.10.2019.

In view of the aforesaid position, the present petition is allowed. The petitioner shall be entitled for the grant of interest @6% per annum from the date of his retirement till the date of its actual disbursement. The aforesaid amount shall be paid to the petitioner within a period of four months from today.

In case the aforesaid amount is not paid to the petitioner within a period of four months as stated above, then the petitioner shall be entitled for the future rate of interest @9% per annum instead of 6% per annum.

(JASGURPREET SINGH PURI)
JUDGE

March 20, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No

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