

216
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14435-2016
Date of Decision: 14.02.2023

RAJINDER SINGH

....Petitioner(s)

Versus

PSPCL AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Akshay Rawal, 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 gratuity to the petitioner from the date of his retirement i.e. 31.03.2014 alongwith interest @ 18% per annum since the same has been withheld by the respondent-Corporation in an illegal manner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner retired as Assistant Engineer on 31.03.2014. Thereafter, he was entitled for all the pensionary benefits. He submitted that however after his retirement, his pensionary benefits were released but his gratuity was not released. However, the respondent-Corporation issued three charge-sheets against the petitioner and the first charge-sheet was

issued on 08.05.2014, second on 04.11.2015 and third on 02.12.2015. He submitted that so far as the first charge-sheet is concerned, the same culminated into an order of punishment whereby it was directed that amount of 10% cut in the pension be imposed forever. He submitted that so far as the second charge-sheet is concerned, the same was cancelled on 25.06.2018 and in the third charge-sheet 2% cut in the pension for one year was imposed on 13.12.2018. He submitted that in this way all the charge-sheets culminated at least on 13.12.2018 but the gratuity was still withheld by the respondent-Corporation and ultimately it was paid on 08.04.2019. He submitted that at the most the gratuity could have been withheld if at all till the conclusion of the final charge-sheet i.e. 13.12.2018 but the gratuity was paid to him on 08.04.2019 after a lapse of about 3 ½ months and he is entitled for the interest on the same.

Mr. Akshay Rawal, learned counsel appearing on behalf of the respondents submitted that the petitioner has been imposed punishment after he was served with three charge-sheet out of which one was cancelled and it is correct that now on 08.04.2019 the gratuity was paid to the petitioner with a delay of 3 ½ months.

Learned counsel for the petitioner submitted that he restricts his claim only to interest of the aforesaid 3 ½ months.

I have heard the learned counsel for the parties.

The facts are not in dispute. The punishment order in one of the charge-sheet was passed on 12.07.2018, the second charge-sheet was cancelled on 25.06.2018 and in the third charge-sheet the punishment order

was passed on 13.12.2018 and therefore, the petitioner was entitled for the grant of gratuity immediately on the culmination of all the charge-sheets i.e. on 13.12.2018. Learned counsel for the petitioner submitted that he is entitled for interest from the aforesaid period till the date of disbursement. The respondent-Corporation ought to have immediately disbursed the gratuity to the petitioner on the culmination of all the charge-sheets i.e. on 13.12.2018.

In view of the limited prayer made by the learned counsel for the petitioner that he is entitled for interest from 30.12.2018 till the date of its disbursement, the present petition is partly allowed. The petitioner shall be entitled for interest @ 6% per annum from 13.12.2018 on gratuity till the date of its disbursement. The same shall be paid to the petitioner within a period of three months from today.

14.02.2023

rakesh

(JASGURPREET SINGH PURI)**JUDGE**

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