



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

223

CWP-1065-2019 (O&M)
Date of decision: 16.05.2024

Prem Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Aman Sharma, Advocate for the petitioner

Mr. Charanpreet Singh, AAG, Punjab

AMAN CHAUDHARY. J (Oral)

1. The prayer made in the present petition is for quashing the impugned order dated 18.12.2018, Annexure P-10 to the extent that the pension/gratuity of the petitioner has been ordered to be withheld and directing the respondents to release the pensionary benefits.

2. Learned counsel submits that the petitioner joined service as an Art and Craft Teacher on 23.10.1973 in Govt. High School, Sukhsal, Tehsil Anandpur Sahib, District Ropar and retired on attaining the age of superannuation on 31.05.2012. During his service career, he was falsely implicated in FIR No.66, dated 28.12.2001 registered under Sections 323, 324, 148, 149 IPC, wherein though he was convicted by the trial Court on 16.02.2012, however, subsequently vide judgment dated 25.07.2017, released



on probation. However no departmental proceedings had been taken out against him. His pension, which was previously withheld in different proportions, was finally released on 03.05.2024, *albeit* without interest. Reliance has been placed on the judgment of the Full Bench of this Court in **A.S. Randhawa vs. State of Punjab and others**, 1997(3) SCT 468.

3. Learned State counsel despite his best efforts, has not been able to offer any justifiable reason for the impugned order having been passed withholding full pension and thereafter 1/3rd of it, but still not paying the same and though decided on 24.08.2022 to release the entire, but that too has only now been done vide order dated 03.05.2024.

4. Notably, the impugned order withholding the entire pension was passed, without initiating departmental proceedings to determine there to be any grave misconduct or negligence in the discharge of his duties by the petitioner during the course of service, warranting exercise of powers under Rule 2.2(b) of Punjab Civil Services Rules, Volume II. Rightly realizing the fallacy of action on their part, the matter was reconsidered on 20.05.2019, by deciding to withhold only 1/3rd and release the balance, which, for reasons not forthcoming, was also not done.

5. A decision thereafter having been taken way back on 24.08.2022, to pay pension in its entirety, but it is deplorable that the arrears thereof amounting to Rs.2,11,901/- have been released very recently on 03.05.2024, while Hon'ble the Supreme Court in **State of Kerala vs. M. Padmanabhan Nair**, (1985) 1 SCC 429 had observed that after availing life-long services from its employees, it is incumbent on the State to grant them their due pension and



the Government to its employees on their retirement but have become, under the decisions of this Court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment.”

6. In **Vijay L. Mehrotra vs. State of UP**, 2001 (9) SCC 687, Hon’ble the Supreme Court ruled that when no justification or reason for delayed payment of retiral benefits can be put forth, interest would be liable to be paid and similarly, in **J.S. Cheema vs. State of Haryana**, 2014(13) RCR (Civil) 355, this Court observed that interest had to be paid to an employee when an amount belonging to him was retained and utilized by the respondents and thereafter released on a later date.

7. Apparently, the factum of pendency of the present petition since the year 2019, with the prayers made therein and grounds taken, were also, as if not sufficient enough for them to have pondered over it and forthwith in one go rectify the blatant error on their part. This depicts not only indecisiveness but also insensitivity.

8. A treasured right of the petitioner and belonging, could not have been taken away on the whims and fancies of theirs or lack of application of mind.

9. The inescapable fact in the case, thus, is the humongous delay in release of pension, for which the respondents have miserably failed to offer any justification, much less plausible. The petitioner has been deprived of an amount that was legally due to him, which the respondents unjustly enriched themselves with.



10. The respondents have been rather callous in the present case and at times, the State functionaries must also admit to feeling a pang of regret.

11. On the anvil of the aforesaid and as a fall out thereof, the present petition is disposed of with a direction to the respondents to pay interest at the rate of 6% per annum to the petitioner from the date the amount fell due till it was paid. The lackadaisical approach adopted in the matter calls for imposition of costs which are quantified as Rs.25000/- to be paid to the petitioner, which this Court finds would serve the ends of justice. Compliance to the aforesaid be made within a month from when a web-print of this judgment is made available to the respondents.

(AMAN CHAUDHARY)
JUDGE

16.05.2024
Hemant

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