

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CWP-7330-2023
Date of Decision : 02.02.2024

Harvinder SinghPetitioner

Versus

Punjab State Power Corp. Ltd. and othersRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. J.S. Jaidka, Advocate for the petitioner.

Mr. A.S. Kang, Advocate for the respondents.

NAMIT KUMAR, J. (ORAL)

1. The instant writ petition has been filed by the petitioner under Articles 226/227 of the Constitution of India seeking a writ of certiorari for quashing the order dated 13.01.2023 (Annexure P-11) whereby the respondents have denied the claim of the petitioner for grant of interest on the delayed payments of retiral dues of the petitioner.

2. Learned counsel for the petitioner submits that the petitioner retired on 31.03.2016 on attaining the age of superannuation, however, his retiral benefits were not released despite making various representations. The petitioner has also filed CWP-21578-2022, which was disposed of by this Court vide order dated 19.09.2022 (Annexure P-10), by directing the respondents to consider and decide the representation dated 24.11.2021, in accordance with law, by passing a speaking order within a period of eight weeks. In pursuance to the said

directions, the impugned order dated 13.01.2023 has been passed by the respondent-Corporation whereby the claim of the petitioner for grant of interest on the delayed payments of retiral dues has been rejected. He submits that earlier an FIR No.5 dated 03.08.2015 under Sections 7, 13(1)(d) read with Section 13(2) of the PC Act at Police Station Economic Offences Wing, Punjab Vigilance Bureau, Ludhiana was registered against the petitioner in which he was discharged vide judgment dated 21.03.2018 (Annexure P-1) passed by the Court of learned Additional Sessions Judge, Ludhiana. Apart from the FIR, charge-sheet dated 04.02.2016, was issued against the petitioner which was ultimately dropped by the respondents vide order dated 04.12.2018 (Annexure P-2). The retiral dues of the petitioner have been released, as per Annexures P-5 to P-8, on the following dates :-

Date	Amount	Remarks
01.02.2019	Rs.2,44,053/-	Arrears of pension (Annexure P-5)
25.02.2019	Rs.4,40,214/-	Commputation (Annexure P-6)
23.04.2019	Rs.8,18,678/-	Gratuity (Annexure P-7)
06.09.2018	Rs.6,52,720/-	Leave encashment (Annexure P-8)

3. Learned counsel for the petitioner submits that since in the FIR the petitioner was discharged and the charge-sheet issued against him was dropped on 04.12.2018, therefore, the petitioner is entitled for interest on the delayed payment of retiral dues in view of the law laid down by a Full Bench of this Court in *A.S. Randhawa Vs. State of Punjab and others : 1997(3) S.C.T. 468* and a Single Bench of this Court in *J.S. Cheema Vs. State of Haryana : 2014(13) RCR (Civil)*

4. On the other hand, learned counsel for the respondents submits that after the petitioner was discharged in the criminal case and charge-sheet was dropped on 04.12.2018, all the retiral dues have been released within a reasonable period.

5. I have heard learned counsel for the parties and gone through the relevant documents.

6. It is a well settled law that the retiral benefits of the employee is his property and the same cannot be withheld without any justifiable reasons.

7. A Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others : 1997(3) S.C.T. 468*** has held that where there is an inordinate delay in releasing benefits and the delay is not justifiable, employee will be entitled for interest. The relevant paragraph of said judgment is as under:-

“Since a government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retiree in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months from the date of retirement which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty thereby denying to the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the

period of delay on the amount as was due to him on the date of his retirement.”

8. Apart from this, a Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana : 2014(13) RCR (Civil) 355***, had held that an employee will be entitled for the interest on an amount which has been retained by the respondents without any valid justification. The relevant paragraph of the said judgment is as under: -

“The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is lying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”

9. In the present case, the petitioner was discharged in the criminal case on 21.03.2018 and charge-sheet issued to him was dropped on 04.12.2018. Since neither in the criminal case nor in the charge-sheet any punishment has been awarded to the petitioner, therefore, the petitioner cannot be denied the interest on the delayed payment of retiral dues. Consequently, the present petition is allowed and the respondents are directed to pay interest @ 6% per annum to the petitioner on the delayed payment of retiral dues w.e.f. 01.07.2016 (after a period of 03 months from the date of retirement) till the date of

payment, within a period of 03 months from the date of receipt of certified copy of this order.

02.02.2024
Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No