



CWP-6915-2023 (O&M)

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

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CWP-6915-2023 (O&M)
Date of Decision :20.05.2024

Dr. Neelam Kakkar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr Wazir Singh, Advocate for the petitioner.

Mr. Tapan Yadav, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner submits that in the present case, the petitioner retired from service on attaining the age of superannuation on 30.09.2021 but her pensionary benefits were withheld by the respondents only on the ground that there was an FIR bearing No.394 dated 18.08.2021 being faced by the petitioner whereas, in the said case, no charges had been framed. Learned counsel for the petitioner further submits that the petitioner filed an earlier writ petition being CWP-11588-2022 claiming her pensionary benefits and ultimately the pensionary benefits of the petitioners were released and hence keeping in view the judgment of the Hon'ble Supreme Court of India in **Civil Appeal Nos.3018-21 of 1987 Union of India vs. K.V. Jankiraman decided on 27.08.1991** no criminal

proceedings can be stated to be pending so as to withhold the pensionary



benefits of the employee hence, petitioner is entitled for the grant of interest on the delayed release of the pensionary benefits.

Learned counsel for the respondents has not been able to rebut the said factual aspect as nothing has been mentioned in the reply filed on behalf of the respondents.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As per the settled principle of law settled by the Full Bench of this Court in ***A.S. Randhawa Vs. State of Punjab and others, 1997(3) SCT 468***, an employee is entitled for the release of his pensionary benefits within a period of two months of his/her retirement in case, there is no impediment.

In the present case, the impediment which is being brought to the notice of this Court is the registration of an FIR upto the date of retirement of the petitioner but even as of now, no charges have been framed. That being so, keeping in view the settled principle of law settled by the Supreme Court of India in ***K.V. Jankiraman (supra)***, it cannot be said that any criminal proceedings were pending against the petitioner at the time of her retirement so as to give jurisdiction to the respondents to withhold the pensionary benefits of the petitioner.

Keeping in view the facts and circumstances recorded hereinbefore, coupled with the settled principle of law settled by the Full Bench of this Court in ***A.S. Randhawa (Supra)*** as well as by the Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, the petitioner is entitled for the grant of benefit of interest on



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the delayed release of her pensionary benefits.

Th respondents are directed to grant the petitioner benefit of interest @ 6% per annum on the delayed release of her pensionary benefits from the date the same became due till the actual payment.

Let the present order be complied with within a period of 08 weeks from the date of receipt of copy of this order.

Present petition is allowed in above terms.

Civil miscellaneous application pending, if any, is also disposed of.

May 20, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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