



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

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LPA-1587-2019 (O&M)

Date of Decision: May 07, 2024

Satbir Chalia

.....Appellant(s)

Vs.

Uttar Haryana Bijli Vitran Nigam Ltd.
and others

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: None for the appellant

Mr. Hitesh Pandit, Addl. A.G., Haryana for
Mr. Deepak Balyan, Addl. A.G. Haryana

SANJEEV PRAKASH SHARMA.J. (ORAL)**CM-3540-LPA-2019**

The present application has been filed for condonation of delay of
21 days in re-filing the present appeal.

For the reasons mentioned in the application, which is duly
supported by an affidavit, the same is allowed and delay of 21 days in re-filing
the present appeal, is condoned.

CM-3539-LPA-2019

The present application has been filed for condonation of delay of
26 days in filing the present appeal.

For the reasons mentioned in the application, which is duly
supported by an affidavit, the same is allowed and delay of 26 days in filing the
present appeal, is condoned.

**LPA-1587-2019**

This appeal has been preferred assailing the order passed by learned Single Judge in CWP-17331-2016 dated 14.05.2019, titled as '*Satbir Singh Vs. UHBVN & Others*'.

2. Learned counsel for the appellant submits that the learned Single Judge has allowed the writ petition by holding that the appellant is entitled for interest @ 9% per annum. This is an old matter lying pending since 2016 therefore, we have taken up today for deciding the same.

3. We find that the learned Single Judge had held that departmental proceedings could not be initiated on the basis of a charge-sheet issued after retirement and has further proceeded to hold that the petitioner would be entitled to all the retiral benefits including interest @ 9% per annum. However while passing the order, the learned Single Judge has directed the authorities to give interest on retiral benefits except gratuity and leave encashment from 30.11.2013, whereas for gratuity and leave encashment, the petitioner was held entitled for interest from 01.09.2018. It is apparently so as in the main body of the order, it has been noticed by the learned Single Judge that the charge-sheet dated 31.08.2015 was finalised on 04.03.2017 by imposing a punishment of 5% cut in pension for a period of one year and thereafter, another charge sheet dated 03.03.2017 was decided on 30.08.2018 by imposing the punishment of stoppage of 5% pension for a period of one year.

4. Admittedly, the appellant retired on 30.11.2013. The charge-sheets for initiating departmental inquiry have been issued on 31.08.2015 and 03.03.2017 much after retirement. It is not a case of the respondents that the charge-sheets were issued after taking sanction from the Government. On the said charges departmental inquiry was concluded and punishments were also



awarded without giving prior notice to the appellant relating to punishment. The learned Single Judge has, therefore, rightly concluded that the retiral benefits could not have been withheld based on such orders. The order of withholding of gratuity and leave encashment is, therefore, found to be unjustified.

5. However, we find that the learned Single Judge erred in granting the said benefit of interest from 01.09.2018 instead from the date of retirement i.e. 30.11.2013 as it cannot be said that once it had held that gratuity and leave encashment could not be withheld based on charge- sheets dated 31.08.2015 and 03.03.2017, the appellant was entitled for interest from 01.09.2018.

6. Accordingly, we modify the order dated 14.05.2019 passed by learned Single Judge and direct the respondent-authority that interest @ 9% per annum shall be released in favour of the petitioner from the date of his retirement i.e. 30.11.2013 with respect to gratuity and leave encashment also, apart from the arrears of retiral pension. The other benefits shall now be released within a period of three months from today.

7. With the aforesaid observations, the instant appeal stands allowed.

8. All pending applications, if any, stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

May 07, 2024
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Whether speaking/reasoned: Yes
Whether reportable: Yes