208

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

**CWP-4447-2015
Date of decision: 20.02.2024**

**KRISHAN LAL**

**...Petitioner**

**VERSUS**

**THE UHBVNL AND ORS.**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Ms. Aditi Sharma, Legal Aid Counsel
for the petitioner.

Mr. Gaurav Jindal, Advocate
for the respondents.

****

**JASGURPREET SINGH PURI, J. (Oral)**

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to pay interest @ 18% per annum to the petitioner upon the belatedly paid retiral benefits and for which petitioner had already made representation dated 06.09.2013 (Annexure P-9).

2. Learned counsel for the petitioner submitted that the petitioner was working as Revenue Accountant with the respondent-Nigam and he retired on 31.01.2011 on attaining the age of superannuation. She further submitted that while in service, there was no disciplinary proceeding pending against the petitioner since there was no charge-sheet against him and after the retirement of the petitioner, he was paid his GPF and Leave Encashment. She also

submitted that after the retirement of the petitioner i.e. on 01.12.2011, a charge-sheet was issued to the petitioner vide Annexure P-1 and in this way, disciplinary proceedings commenced against him and the aforesaid charge-sheet was pertaining to the allegations of negligence against the petitioner pertaining to the period from 2008-2009 and 2009-2010. She further submitted that thereafter, the petitioner filed a reply to the aforesaid charge-sheet vide Annexure P-2 and the competent authority, being satisfied with the reply filed by the petitioner, dropped the charges vide Annexure P-3 dated 22.03.2013 since the allegations against the petitioner were not substantiated. She further submitted that thereafter, the remaining amount of Earned Leave, Gratuity and other benefits were paid to the petitioner in the month of August, 2013 and in this way, there had been a delay in the release of the retiral benefits except for GPF and Leave Encashment for about more than two years. She further submitted that once the charges itself were dropped against the petitioner pertaining to a charge-sheet which was issued to him after his retirement, then in that situation petitioner was entitled to grant of interest on the delayed payment of retiral benefits.

3. On the other hand, Mr. Gaurav Jindal, learned counsel for the respondents submitted that even if there was issuance of charge-sheet after the retirement of the petitioner but during the pendency of the charge-sheet, retiral benefits could not have been given to the petitioner and therefore, the petitioner is not entitled to grant of interest on the delayed payment of retiral benefits.

4. I have heard the learned counsel for the parties.

5. The petitioner retired on 31.01.2011 from the post of Revenue Accountant and before his retirement, there was no charge-sheet against him

and therefore, there was no disciplinary proceeding against him. It was only after the retirement of the petitioner that charge-sheet was served upon him vide Annexure P-1 and on the basis of the reply filed by the petitioner, the competent authority dropped the charges against the petitioner vide Annexure P-3 and thereafter, some of the retiral benefits which were pending were paid to the petitioner in the year 2013. Once the charge-sheet itself was dropped by the competent authority as aforesaid, then the petitioner would certainly be entitled to interest on the delayed payment of retiral benefits since the retiral benefits were withheld because of the aforesaid charge-sheet, which ultimately got dropped by the competent authority of their own vide Annexure P-3.

6. Consequently, the present writ petition is allowed. The respondents are directed to pay the interest @ 6% per annum to the petitioner on the delayed payment of each head, within a period of four months from today. In case the aforesaid interest is not paid to the petitioner within a period of aforesaid four months, then the petitioner shall be entitled for future rate of interest @ 9% per annum.

**(JASGURPREET SINGH PURI)**
**JUDGE**

**20.02.2024**
**Chetan Thakur**

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