



CWP-24709-2024 (O&M)

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

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**CWP-24709-2024 (O&M)
Date of Decision :25.09.2024**

Paramjit Kaur**...Petitioner**

Versus

State of Punjab and another**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present:- Mr. Sohan Singh, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)**CM-15829-CWP-2024**

As prayed for, application is allowed.

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Learned counsel for the petitioner submits that the petitioner got the premature retirement from service on 31.03.2019 and though, on the said date of premature retirement, the departmental proceedings were pending against the petitioner but as the petitioner has only been censured in the said departmental proceedings, the same cannot be taken into account for withholding the pensionary benefits of the petitioner but his pensionary benefits were released by the respondents after the disposal of the departmental proceedings, hence, the petitioner is entitled for the grant of benefit of interest on the pensionary benefits released to him, from the date

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of her retirement.

Learned counsel for the petitioner submits that the denial of the said benefit by the respondents while replying to the legal notice dated 22.12.2023 (Annexure P/3) vide letter dated 13.05.2024 (Annexure P/4) is liable to be set aside and the respondents are liable to be directed to grant the said benefit of interest to the petitioner.

I have heard learned counsel for the petitioner and have gone through the record with his 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/her pensionary benefits within a period of two months of his/her retirement in case, there is no impediment in the release of the same.

In the present case, keeping in view the provisions of the Punjab Civil Services Rules, an employee, who, on the date of retirement is facing departmental proceedings, the jurisdiction is given to the department to retain certain pensionary benefits of the employee concerned.

Once, the department had jurisdiction to retain certain pensionary benefits during the pendency of the disciplinary proceedings and in the present case, it is a conceded position that on the date when petitioner got premature retirement i.e. on 31.03.2019, the departmental proceedings were pending against him, which departmental proceedings have attained finality in the year 2022 and, thereafter, the pensionary benefit have been released to the petitioner, no grievance can be raised by the petitioner.

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The argument of the learned counsel for the petitioner that the petitioner has been exonerated in the departmental proceedings is not correct. As per the reply dated 13.05.2024 to the legal notice served by the petitioner, after being found guilty, the petitioner was censured. Once, the petitioner has been found guilty and consequently censured in the departmental proceedings, it cannot be said that the petitioner has been exonerated and is still entitled for the grant of interest on the arrears of the pensionary benefits, which arrears have been released to him after the conclusion of the departmental proceedings.

Keeping in view the facts and circumstances of the present case, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

September 25, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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