

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CWP-11231-2023 (O&M)**
Date of Decision: 14.01.2025**MOHINDER SINGH**

... .PETITIONER

Vs.

THE PUNJAB STATE POWER CORPORATION LIMITED AND OTHERS

... . RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Shivam Vashisht, Advocate, for
Mr. G.P. Vashisht, Advocate, for the petitioner.

Mr. Karan Kaushal, Advocate, with
Mr. Abhimanu Jangra, Advocate, and
for respondents No.1 to 3.

DEEPAK GUPTA, J.

Petitioner prays for issuance of a writ in the nature of certiorari under Article 226/227 of the Constitution of India for quashing the impugned order dated 14.02.2022 (Annexure P-4) passed by respondent No.4, whereby his claim for interest on delayed payment of pensionary benefits, has been declined. Petitioner further prays for release of interest @ 18% on delayed payment of pensionary benefits amounting to ₹7,42,979/-, which had been paid to him after six years of retirement.

2. Petitioner retired as driver on 31.12.2013. As his pensionary benefits were not released, he filed CWP-9169-2019. The stand taken therein by the respondents was that petitioner had failed to fill up necessary forms after his retirement due to which the pensionary benefits could not be released. It was informed by the petitioner that he had completed all the formalities. This Court disposed of the petition (CWP-9169-2019) by giving directions to the respondents to pass appropriate orders finalizing the release

of the pensionary benefits to the petitioner within a period of two months from the date of receipt of copy of the order.

3. Pursuant to the aforesaid order, following pensionary benefits have been released to the petitioner on different dates: -

Sr. No.	Particulars	Amount
1.	Leave encash amount released on 06.08.2019	₹26,600/-
2.	Gratuity amount released on 06.08.2019	₹4,42,650/-
3.	GIS released on 18.10.2019	₹42,050/-
4.	Arrears of Pension released on 04.06.2020	₹2,13,679/-
	Total	₹7,42,979/-

4. It is contended by Id. counsel that since the petitioner had retired on 31.12.2013, therefore, he was entitled to interest on the abovesaid pensionary benefits of ₹7,42,979/- from the date of his retirement and that his claim has been wrongly rejected by way of impugned order dated 14.02.2022 (Annexure P4).

5. Opposing the petition, learned State counsel submits that specific reasons have been given for not releasing the pensionary benefits to the petitioner immediately after retirement, inasmuch as necessary forms were not filled up by him. Attention is also drawn towards the order dated 14.02.2022 (Annexure P4) passed by the respondent, wherein it was observed as under: -

“Whereas, it is pertinent to mention here that the retiree Mohinder Singh remained negligent in not filling the EPF form despite of numerous of telephonic calls as well as written notices vide memo no. 689 dated 04.09.2018 as well as memo 741 dated 20.09.2018, which resulted into delay in calculation and disbursal of pensionary benefits. Moreover, the said employee remained negligent in filing Non Employment Certificate with The Registrar, Regional Office, Employees Provident Fund, MTS Nagar, Ladowali Road, Jalandhar despite of numerous calls and notice vide memo no. 258 dated 07.01.2020 was also issued in this regard to said retire Mohinder Singh. Retirer Mohinder Singh

has not replied said letter till date either telephonically, or through any letter and even failed to submit anything in his legal notice.

Whereas, it is further submitted unexplained leave of the retire falls in the sub rule 2 of rule 3.17 A of Chapter III i.e. Service Qualifying for Pension, of Volume II of Punjab Civil Services Rules, according to which the Government Department is within their rights to withheld the pensionary benefits of the employee. On receipt of pension forms from the retirer, same were immediately submitted with Regional Commissioner, EPF, Jalandhar vide letter memo no. 12148 dated 08.10.2018.

Whereas, the employee has not submitted said facts of unexplained leave and of non submitting of pension forms with the PSPCI. in either of his notices from the day of 07.08.2018 to 11.11.2020 and manipulate and concealed abovementioned true facts from the Hon'ble Court, which resulted into gain of this order.

Whereas, though the entire process of granting pensionary benefits was going on in its routine, then, the retirer had also filed CWP No 9169 of 2019 which was disposed of on dated 05.04.2019 before the Hon'ble Punjab and Haryana High Court, Chandigarh which was received in office on 28.05.2019. The retrial benefits were disbursed to the employee within stipulated period after accepting application dated 27.05.2019 moved by the retirer regarding unexplained delay and on receipt of pension form, from the employee.

Whereas, the retiree himself submitted in his notice dated 11.11.2020 that he had received pensionary benefits, as such on completion of file of the retiree Mohinder Singh uptill 31.05.2019 (vide order dated 123) and as per law, the concerned office has to grant the pensionary benefits to the retiree within two months, hence the grant of pensionary benefits has been granted within time to the retiree.

As such, the employee remained negligent on his part as submitted hereinabove for the said period, hence not entitled for the interest as claimed by him. Concealment of true facts does not grant Locus Standi to the retiree to file Writ Petition.

That, in compliance of the order passed by Hon'ble Punjab and Haryana High Court, 1, Sunny Bhagra, Senior Executive Engineer, PSPCL, West Division, Maqsudan, Jalandhar consider the representation of retiree Mohinder Singh vide Annexure P-2 i.e. Legal Notice dated 11.11.2020 in the light of official record of retiree and entire case discussed in paras submitted supra with the aid of rules and regulations of relevant law.”

6. It is clear from the aforesaid order that it is the petitioner, who remained negligent in not filling the EPF form despite telephonic calls as well as written notices sent to him vide memo No.689 dated 04.09.2018 as well as memo No.741 dated 20.09.2018, which resulted into delay in calculation and disbursal of pensionary benefits. Even the order dated 05.04.2019 passed in CWP-9169-2019 reveals that petitioner had served legal notice to respondents for the first time on 07.08.2018, after much delay of his retirement on 31.12.2013. After passing of the order dated 05.04.2019 by this Court, all the pensionary benefits have been released within reasonable time after fulfilling necessary requirements.

7. In the aforesaid circumstances, this Court does not find any illegality in the impugned order dated 14.02.2022 (Annexure P-4) passed by respondent No.4 in declining the interest to the petitioner on delayed payment of pensionary benefits. As such, finding no merit in the present petition, the same is hereby dismissed.

14.01.2025

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>