



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

203 (2)

Decided on : 10.11.2025

CWP-21716-2015 (O&M)

RANJIT SINGH

..Petitioner

Versus

UNION OF INDIA AND OTHERS

... Respondents

CWP-22241-2014 (O&M)

RANJIT SINGH

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UNION OF INDIA AND OTHERS

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

PRESENT: Mr. Barjesh Mittal, Advocate
for the petitioner (Appeared through virtual mode).

Mr. Ashish Rawal, Senior Panel Counsel
for the respondent-UI.

HARSIMRAN SINGH SETHI, J. (Oral)

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1. In the present petition, the challenge is to the impugned order
dated 03.09.2015 passed in O. A. No. 060/00753/2014 (Annexure P-4)



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passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'The Tribunal') by which, the challenge raised by the petitioner to orders dated 20.04.2014 (Annexure A-1), 28.03.2013 (Annexure A-2) and 18/19.10.2012 (Annexure A-3) has been rejected on the ground that the impugned order is in violation of the Rule 12 (3) (4) of the Post Office Saving Bank Manual Vol. II.

2. Learned counsel for the petitioner argues that the impugned orders passed by the authorities concerned regarding compulsory retirement of the petitioner is disproportionate to the allegations levelled and proved against him and therefore the Tribunal has not appreciated the said fact while dismissing the claim raised by the petitioner to the said order.

3. Learned counsel for the respondents on the other hand submits that once, the disciplinary proceedings were initiated against the petitioner on certain allegations wherein the charges were proved, the award of punishment has rightly been upheld by the Tribunal therefore, the writ petition filed by the petitioner may kindly be dismissed.

4. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

5. The only arguments raised is that the punishment imposed upon the petitioner is disproportionate to the charges levelled and proved.

6. It may be noticed that the Court, once, disciplinary proceedings have been held, cannot re-appreciate the fact and evidence in order to come to another conclusion. In the present case, the charges have been proved on the basis of which, the punishment has been imposed.

7. Further, as per the judgment of the **Hon'ble Supreme Court of India in Civil Appeal No.219 of 2023 titled as Union of India and others vs.**



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Const. Sunil Kumar, decided on 19.01.2023, the Court cannot interfere even if the punishment is disproportionate unless and until the punishment is shockingly disproportionate to the charges alleged and proved. The relevant paragraph of the said judgment is as under:-

“ 6.2 Even otherwise, the Division Bench of the High Court has materially erred in interfering with the order of penalty of dismissal passed on proved charges and misconduct of indiscipline and insubordination and giving threats to the superior of dire consequences on the ground that the same is disproportionate to the gravity of the wrong. In the case of Surinder Kumar (*supra*) while considering the power of judicial review of the High Court in interfering with the punishment of dismissal, it is observed and held by this Court after considering the earlier decision in the case of Union of India Vs. R.K. Sharma; (2001) 9 SCC 592 that in exercise of powers of judicial review interfering with the punishment of dismissal on the ground that it was disproportionate, the punishment should not be merely disproportionate but should be strikingly disproportionate. As observed and held that only in an extreme case, where on the face of it there is perversity or irrationality, there can be judicial review under Article 226 or 227 or under Article 32 of the Constitution.

6.3 Applying the law laid down by this Court in the aforesaid decision(s) to the facts of the case on hand, it cannot be



said that the punishment of dismissal can be said to be strikingly disproportionate warranting the interference of the High Court in exercise of powers under Article 226 of the Constitution of India. In the facts and circumstances of the case and on the charges and misconduct of indiscipline and insubordination proved, the CRPF being a disciplined force, the order of penalty of dismissal was justified and it cannot be said to be disproportionate and/or strikingly disproportionate to the gravity of the wrong. Under the circumstances also, the Division Bench of the High Court has committed a very serious error in interfering with the order of penalty of dismissal imposed and ordering reinstatement of the respondent.

6.4 *At this stage, it is required to be observed that even while holding that the punishment/penalty of dismissal disproportionate to the gravity of the wrong, thereafter, no further punishment/penalty is imposed by the Division Bench of the High Court except denial of back wages. As per the settled position of law, even in a case where the punishment is found to be disproportionate to the misconduct committed and proved the matter is to be remitted to the disciplinary authority for imposing appropriate punishment/penalty which as such is the prerogative of the disciplinary authority. On this ground also, the impugned judgment and order passed by the Division Bench of the High Court is unsustainable.”*



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8. In the present case, the allegations have been proved against the petitioner with regard to his conduct while performing the duties. Once, the conduct relates to the performance/duty, passing an order of compulsory retirement cannot be treated as shockingly disproportionate to the allegations alleged and proved.

9. At this stage, learned counsel for the petitioner also argues that the Rule 12 (4) of the Post Office Saving Bank Manual Volume-II has not been considered by the authorities while passing order against the petitioner.

10. Further, the said Rule 12 of the Post Office Saving Bank Manual Volume-II have already been considered while passing the punishment order hence, the arguments of the petitioner to re-appreciate the same does not arise.

11. No other arguments have been raised.

12. Furthermore, the impugned order dated 03.09.2015 (Annexure P-4) passed by the Tribunal can only be interfered in case the same is perverse to the facts on record or law. In the present case, no perversity has been shown to this Court with the impugned order that the same is contrary to the facts on record or the settled principle of law.

13. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

14. *Accordingly, the writ petition is dismissed.*

CWP-22241-2014

1. In the present petition, the grievance of the petitioner is that despite the fact that the petitioner has already compulsorily retired from the



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service w.e.f. 22.10.2012, but, the petitioner has not been granted the pensionary benefits in prescribed time, which action on the part of the respondents is causing prejudice to the petitioner, hence, petitioner should be granted interest on the delayed release of the pensionary benefits.

2. Learned counsel for the petitioner submits that the aforesaid benefits of interest has been denied by the Tribunal on the ground that the payment had already been sanctioned by the respondent-department, but the applicant himself failed to come and to receive the same.

3. Learned counsel for the petitioner further submits that even if the payments were sanctioned in favour of the petitioner and the same was lying with the respondents therefore, the amount which is lying with them should carry interest.

4. Learned counsel for the respondents on the other hand submits that the process of releasing the retiral benefits was completed within the time frame and the petitioner himself did not come to take the money, hence, the benefits of interest as claimed by the petitioner has rightly been declined by the Tribunal.

5. 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, failing which, an employee will be entitled for the grant of benefit of interest on the said delayed release of payments, the delay in releasing the leave encashment is attributable to the respondents for which the petitioner becomes entitled for the grant of interest so as to compensate his prejudice. The relevant paragraph of said judgment is as under:-



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“Since a government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retiree in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months from the date of retirement which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty thereby denying to the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of his retirement.”

7. Further, a Coordinate Bench of this Court in of **J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355**, has held that where an amount belonging to an employee, has been retained and used by the respondents, upon the release of the said amount, on a later date, the interest has to be given. The relevant paragraph of J.S. Cheema's case (supra) is as under: -

“The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person



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with whom the money is lying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”

8. At this stage, the contention raised by the learned counsel for the respondent that the pension papers were not completed in time due to non-attendance by the petitioner in the office to complete the papers despite many letters sent to him for the same, which fact dis-entitles him for the payment of interest, it may be noticed that in paragraph No. 4 of the impugned order dated 08.05.2014 passed by the Tribunal, wherein it has been mentioned that the pension papers were completed by the petitioners on 09.11.2012 and thereafter they were sent to the authorities concerned for compliance and the same were finalized and final payment was made to the petitioner somewhere in March, 2013. That being so, the delay in releasing the pensionary benefits is more than two months and as per the settled principle of law as being settled in A.S. Randhawa's case (supra) as well as J.S. Cheema's case (supra), the petitioner becomes entitled for the grant of interest which is awarded @ 6% per annum on the payment, which has been released to him in March 2013 starting from the date of retirement till the actual payments have been released to him.

9. Let the computation of interest be done by the respondents and amount so calculated shall be paid to the petitioner within a period of **eight weeks** from the date of receipt of copy of this order.



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- 10 *The present petition is disposed of in above terms.*
11. Pending civil miscellaneous application, if any, shall also stand disposed of.
12. A photocopy of this order be placed on the file of other connected case(s).

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

10.11.2025

Riya
Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No