

LPA-3128-2024 (O&M)

2025:PHHC:043974-DB



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

**LPA-3128-2024 (O&M)
Date of Decision: April 01, 2025**

Paramjit Kaur

.....Appellant

Versus

The State of Punjab and another

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Sushil Kumar Verma, Advocate for the appellant.

Mr. R.S. Pandher, Sr. DAG, Punjab.

LISA GILL, J.

CM-7709-LPA-2024

1. For the reasons mentioned in the application as well as arguments addressed, delay of 12 days in filing the appeal is condoned.

2. Application is, accordingly, disposed of.

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1. Prayer in this appeal is for setting aside order dated 25.09.2024 passed by learned Single Bench whereby writ petition filed by appellant (writ petitioner) has been dismissed.

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2. CWP-24709-2024 filed by appellant (writ petitioner) seeking interest at the rate of 18% on delayed retiral benefits i.e. interest on gratuity and amount of commuted pension was declined by learned Single Bench on 25.09.2024. Aggrieved therefrom, present appeal has been filed.

3. It is a matter of record that appellant (writ petitioner) was permitted premature retirement from service on 31.03.2019. Departmental proceedings were pending against appellant on the said date. In view of pending charge sheet, provisional pension of Rs.17,467/- w.e.f. 01.04.2019 was approved and vide order dated 26.07.2019, leave encashment of Rs.8,34,920/- was approved. GIS of Rs.48,226/- was sanctioned on 26.07.2019. Vide order dated 21.12.2021, Secretary, Department of Education while noting his dissent with the findings of Inquiry Report submitted in proceedings against appellant, warned the appellant to be careful in future. Pursuant thereto, case of pension/gratuity of appellant was prepared and sent to Accountant General on 09.06.2022. Certain objections were raised on 23.09.2022. After removal of objections, her case was sent to Accountant General on 17.11.2022 and ultimately vide order dated 27.12.2022 sanction was accorded to pension of Rs.44,000/-, gratuity of Rs.16,26,240/- and Rs.13,48,301/- commuted pension.

4. Learned counsel for appellant vehemently argues that pensionary benefits were released after much delay merely on the pretext of pending departmental proceedings, which ultimately culminated only in censure, which is not to be treated as penalty. It is submitted that learned Single Bench has, thus, erred in dismissing writ petition filed by appellant. It is, thus, prayed that this appeal be allowed.

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5. Learned counsel for State per contra refutes the averments on behalf of appellant while submitting that departmental proceedings did culminate to censure. Thus, it cannot be said that there was any intentional delay on the part of department for release of pensionary benefits to appellant. It is submitted that in the absence of any malafide, fate of departmental proceedings by itself cannot entitle an employee to claim interest on dues delayed on account of pendency of such proceedings. Dismissal of appeal is sought.

6. Heard learned counsel for parties.

7. In the given factual matrix wherein appellant was admittedly facing departmental proceedings at the time of premature retirement, which ultimately attained finality in the year 2022, we do not find any ground whatsoever to set aside impugned order dated 25.09.2024. Reference by learned counsel for appellant to inquiry report attached as Annexure-A2, wherein it has been held that charges levelled are not proved, is of no avail, for the simple reason that competent authority has disagreed with said proceedings and censured the appellant. It is specifically observed in order dated 21.12.2021 that such a course was being adopted because no financial loss was caused. Admittedly, there is no challenge to said order. We take note of the submission on behalf of appellant that there was no requirement to challenge such an order as censure is not to be treated as penalty. Be that as it may, same does not vest the appellant with any right to claim interest on release of retiral dues.

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8. Learned counsel for appellant is unable to point out any illegality, infirmity or perversity in the impugned order dated 25.09.2024 passed by learned Single Bench.
9. No other argument has been addressed.
10. Appeal is, accordingly, dismissed.
11. Pending application(s), if any, stand(s) disposed of.

(LISA GILL)
JUDGE

April 01, 2025
Rts

(ALOK JAIN)
JUDGE

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