

HC raps govt for withholding pension

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Rapping the Punjab Government for being “unjust” to an employee, the Punjab and Haryana High Court made it clear that a worker’s pension cannot be withheld after the completion of 20 years of service.

In the absence of a notice after submission of request for premature retirement, the state and its functionaries can withhold the pay of the notice period.

The ruling by Justice Mahesh Grover came on a petition filed by Pritpal Kaur Grewal against the

State of Punjab and other respondents. She was seeking directions for the release of pension withheld by respondents on what they termed as “peculiar reasons”.

The petitioner told the court that she joined the service in August 1974 and continued till September 1995 when she submitted a request for a premature retirement. The request was accepted in December 1995. But before her request could be entertained, she went abroad.

The respondents claimed her action amounted to absence without leave and

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HC order

also took the plea that she was not entitled to pension as she had not completed the mandatory 20 years of service. Moreover, she had failed to serve the mandatory three months’ notice period after submitting request for premature retirement.

Taking up the matter, Jus-

tice Grover asserted the reasons offered by respondents could be termed as absurd. “I am of the view that the respondents have been totally unjust in declining the prayer of the petitioner. Concededly, the petitioner has put in more than 20 years of service and has substantial number of earned and medical leaves,” said Justice Grover.

“This, however, is immaterial considering the clear period of 20 years, which she served so as to entitle her to pension in accordance with the law. The three months’ notice and the period of one month’s

absence do not in any way infringe upon the substantive right of the petitioner to get the pension. If the petitioner has not served the notice period, the respondents can withhold the pay of this period. But under no circumstances can they deprive the petitioner of the pension once the mandatory period of 20 years of service was completed by her,” the court observed.

Allowing the petition, Justice Grover directed the respondents to release the pension and retirement dues positively within two months from receiving the orders.