

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

CWP-7434-1993

Date of decision : 04.03.2015

RADHA KRISHAN SETHI

...Petitioner

V/S

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashok Gupta, Advocate
for the petitioner.

Mr. Ashok Chaudhary, Addl. A. G., Haryana

JITENDRA CHAUHAN, J. (Oral)

This Civil Writ Petition filed under Articles 226/227 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to release the balance amount of Rs.2800/- towards death-cum-retirement gratuity and for the grant of interest at the rate of 18% per annum for the delayed payment of leave encashment, gratuity and 1/3rd pension withheld from 01.06.1987.

Learned counsel for the petitioner contends that the petitioner had retired as Deputy Director on 31.05.1987. After the retirement of the petitioner, he was served with a charge-sheet

dated 22.09.1987. In response to chargesheet, the petitioner filed his reply on 29.11.1988. Thereafter, respondent No.1 appointed Sh. V. P. Batra, IAS, Additional Director, Food and Supplies, as Inquiry Officer vide order dated 17.07.1991. As per the enquiry report dated 31.12.1991 charges leveled against the petitioner were not proved.

It is further contended that on account of the pendency of chargesheet death-cum-retirement gratuity, leave encashment benefit and a cut in the pension of the petitioner along with DA was withheld on 01.06.1987. The petitioner approached this Court vide CWP No.7520 of 1992 and the same was disposed of vide order dated 05.11.1992. In spite of the directions issued by this Court in CWP No.7520 of 1992, the respondents delayed the issuance of pensionary benefits to the petitioner. Hence, in view of delay in disbursement of pensionary benefits, the petitioner is entitled to interest.

On the other hand, the learned State counsel opposed the contentions raised by the learned counsel for the petitioner.

Heard.

Keeping in view the above facts and circumstances, and the fact that the respondents delayed the issuance of retiral benefits to the petitioner, this petition is allowed. Accordingly, the

respondents are directed to pay interest @ 6.5% per annum from the date of his retirement within 4 months of the receipt of certified copy of this order.

Disposed of.

04.03.2015
ashok

(JITENDRA CHAUHAN)
JUDGE