

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 17234 of 2014 (O&M)

Date of decision : May 04, 2015

Hari Parkash,

..... Petitioner

v.

HAFED and another,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ramesh Sharma, Advocate
for the petitioner.

Mr. Raman B Garg, Advocate
for the respondents.

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

Written Statement filed on behalf of the respondents is taken on record. Copy supplied.

By this writ petition, the petitioner has claimed release of Performance Awards for the years 2010-2011 and 2011-2012 and leave encashment since he retired on 28.2.2012. In the prayer clause, there is another prayer for release of gratuity. However, counsel for the petitioner has stated that he would not press the same since charge sheet is pending against the petitioner and as per the rule, gratuity can be with-held during the pendency of the charge sheet.

As far as leave encashment is concerned, the same was

admittedly released to the petitioner, vide order dated 18.11.2014 (Annexure R-1).

Counsel for the petitioner states that there is undue delay in the release of the leave encashment, and relies upon the decision of this Court in CWP No.6126 of 2013, Prem Singh vs State of Haryana and another, decided on 24.3.2014 to contend that in a similar situation, this Court had granted interest to the petitioner therein @ 8% pa for the delayed payment of retiral dues.

No contrary judgment has been cited.

With regard to the Performance Awards, it is also the contention of counsel for the petitioner that as per Rule 9.16 of the Punjab Civil Services (Vol 2), only the gratuity can be with-held during the pendency of the inquiry but the Performance Awards which are due to the petitioner cannot be permitted to be with-held on the pretext of the inquiry and there is no rule provided for the same.

Counsel for the respondents is not able to cite any contrary rule or any judgment. Resultantly, this prayer is also allowed.

As regards leave encashment, it is directed that the respondents would pay interest @ 8% p.a on the amount of leave encashment w.e.f 1.11.2012 till the date of payment. Likewise, the petitioner would be released his Performance Awards with interest @ 8% pa from the date/s, they fell due till the date of payment.

This writ petition stands disposed of in the above terms.

(AJAY TEWARI)
JUDGE

May 04, 2015
`kk'

