

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

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**Civil Writ Petition No.18536 of 2014
Date of Decision : 21.05.2015**

Inderjeet Sharma

....Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Narinder Singh Behgal, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. P.S. Poonia, Advocate and Mr. Saurabh Gulia, Advocate
for respondents No.2 to 5.

DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of order dated 28.03.2014 (Annexure P-6) passed by respondent No.2 whereby one financial increment of the petitioner has been stopped without cumulative effect and the petitioner has been deprived from the promotion due to pendency of the proceedings and thereafter, his retiral benefits have also been withheld. A further prayer has also been made for issuance of direction to the respondents to release the amount of commutation and to promote the petitioner from back date.

Notice of motion was issued on 29.09.2014 and in response thereto, reply on behalf of respondents No.1 to 4 has been filed which is already on record.

Learned counsel for the respondents submits that the petitioner was having remedy of appeal in case of stoppage of one annual increment but no appeal was filed. Learned counsel also submits that the case of the petitioner was not considered for promotion as vigilance enquiry was pending against him. Petitioner retired on 03.09.2011 and all payments were released to him. There was no delay in releasing the retiral benefits as even the interest on the delayed retiral benefits i.e. DCRG was paid to the petitioner.

Heard arguments advanced by learned counsel for the parties and have also perused the impugned order as well as other documents available on the record.

Admittedly, the claim of the petitioner with regard to promotion could not be considered as a vigilance enquiry was pending against him at that time and show cause notice was also issued to him. Thereafter, the petitioner retired from service on 03.09.2011 after attaining the age of superannuation. Subsequently, the retiral benefits were released to the petitioner and even interest on the delayed payment of DCRG has also been released but there is delay in releasing the amount of commutation of pension i.e. w.e.f. 30.09.2011 as the payment was released i.e. 19.08.2013 for which the petitioner is held entitled for interest.

Accordingly, the present petition is disposed of with a direction to the respondents to grant interest @ 8% p.a. to the petitioner on delayed payment of commutation of pension w.e.f. 30.09.2011 till the payment was released i.e. 19.08.2013. The necessary payment be released within a period of two months from the date of receipt of certified copy of this order.

(DAYA CHAUDHARY)
JUDGE

May 20, 2015
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