IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.24153 of 2013
Date of Decision: 15.01.2015

Dilawar Singh ....Petitioner

Vs.

State of Haryana and others ....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr. S.N. Yadav, Advocate
for the petitioner.

Dr. Sushil Gautam, DAG, Haryana

Mr. Jitender Sharma, Advocate
for respondent No.2.

Amol Rattan Singh, J (Oral)

The petitioner is stated to have retired as Manager Grade-I in the respondent-Corporation, on 31.12.2012, but was released his retirement benefits only on various dates as are given in paragraph 7 of the reply filed by respondent No.2

Provisional pension itself was released to him on 08.07.2013 and thereafter gratuity and leave encashment were released to him on 02.01.2014, which is also the date that the pension payment order was issued. Commutation of pension was paid to him on 23.01.2014.

No cogent reasons for delay in payments of the retirement benefits are given by the respondents in their reply, which states that the petitioner was facing a criminal case in which he was acquitted on 05.05.2010. That, of course, is a date more than 1 ½ years prior to the date

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of the petitioners' retirement.

The appeal filed against such acquittal was also dismissed on 01.10.2012, i.e. three months prior to his retirement.

Further, it is not disputed that during the pendency of such criminal proceedings, the petitioner remained in service and some disciplinary proceedings which were initiated against him also were not proceeded with after the preliminary enquiry came in his favour, sometime in the year 2005.

Thus, there was obviously no cogent reason at all, for payment of retiral benefits after a long delay to the petitioner.

Consequently, this petition is disposed of with a direction to the respondents to calculate interest at statutory rates on gratuity and on any other heads retirement benefits where such statutory rate is provided, either in the Punjab Civil Services Rules or the Punjab Financial Rules, as applicable to the State of Haryana, and @ 7% per annum on delayed payment of all other heads of retirement benefits.

The interest shall be calculated running from 01.03.2013 till the date that actual payment was made to the petitioner.

The amount, as directed above, be calculated and be paid to the petitioner, within a period of 2 months from the date of receipt of a certified copy of this order.

January 15, 2015 **(Amol Rattan Singh)**
vcgarg **Judge**

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