

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

(211)

CWP No. 27279 of 2013

Date of decision: 28.08.2015

Rajender Kumar Aneja

....Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr.Sandeep Panwar, Advocate for the petitioner.

Mr.Sourabh Mohunta, DAG, Haryana.

P.B. Bajanthri, J. (Oral)

In this writ petition, the petitioner has sought for interest on gratuity amount of Rs.6,40,110/- and leave encashment of Rs.4,26,740/- which has been settled belatedly.

The petitioner retired as Executive Engineer, Irrigation Department, Haryana. While he was in service he was subjected to the disciplinary proceeding which was initiated on 07.05.2003. The same was not concluded as on the date of his retirement i.e. 31.10.2007. On 31.10.2007, Financial Commissioner of the Irrigation Department is of the view that keeping the charges pending and withholding the retirement dues of the petitioner, is not a desirable cause of action in the given situation and these likely to cause further loss to the State. Therefore, he proposed to drop the charges against the petitioner vide Annexure P2. Despite the proposal, no action was taken to drop the disciplinary proceedings. Only on 25.03.2011, charges were dropped against the petitioner which were initiated

on 07.05.2003. When things stood thus, petitioner's retiral benefits were granted on 10.12.2011 and 27.01.2012. Thus, the petitioner contends that there is delay in settling his dues even though the charges were dropped against him.

Having regard to the facts and circumstances, that the petitioner was subjected to the disciplinary proceedings in the year 2003 and which was dropped in the year 2011 and the retiral benefits have been disbursed in the year 2011 and 2012, the petitioner is entitled for interest on the belated settlement of pensionary benefits. Accordingly, respondents are directed to pay interest @ 9% per annum on all pensionary benefits which were released in the year 2011-2012 within a period of 8 weeks'.

Accordingly, petition is disposed of.

28.08.2015
pooja saini

(P.B.BAJANTHRI)
JUDGE