

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

**C.W.P. No.301 of 2014**

**Date of Decision : 08.04.2015**

Om Parkash Sharma

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

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

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

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1. Whether Reporters of local papers 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)**

By this petition the petitioner has prayed that even though he retired on 28.02.2013 his retiral dues were illegally retained.

Today learned counsel for the respondent No.2 has stated that all the retiral dues have been paid to the petitioner.

Learned counsel for the petitioner has accepted this fact but has made two residual prayers. His first prayer is that for the delayed payments he should be granted interest.

Learned counsel for the petitioner states that in a similar case i.e CWP No.24153 of 2013, titled as ***Dilawar Singh vs. State of Haryana and others***, decided on 15.01.2015, this Court had passed the following directions:-

*“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.”*

Learned counsel for the respondent No.2 is not in a position to distinguish the above judgment.

In the circumstances, as regards the first residual prayer made by the learned counsel for the petitioner it is directed that on delayed payments the petitioner would get the same benefits as granted in CWP No.24153 of 2013.

The second residual prayer made by the learned counsel for the petitioner is that in the reply the respondent No.2 has disclosed for the first time that an amount of Rs.1,43,424/- was recovered from the GPF of the petitioner on account of shortage of wooden crates and has urged that this ex-parte recovery is illegal and could not have been made without issuing at least a notice to the petitioner.

Learned counsel for the respondent No.2 has also accepted this contention but states that the respondent No.2 would now issue a notice in this regard to the petitioner within a period of 15 days from the date of

receipt of a certified copy of this order and in case the petitioner files his reply within 15 days thereafter, a final order will be passed within one month thereafter and, in case the explanation of the petitioner is accepted the recovered amount would be refunded to the petitioner within the aforesaid period.

Learned counsel for the petitioner has accepted this submission.

In the circumstances, the petition stands disposed of in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**April 08, 2015**

*ashish*

**( AJAY TEWARI )  
JUDGE**