

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

LPA No. 986 of 2014

DATE OF DECISION : 11.08.2015

Ravi Shankar Garg

.... APPELLANT

Versus

State of Haryana

.... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

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

Mr. Sandeep Moudgil, Addl. A.G., Haryana.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 03.04.2014 passed by the learned Single Judge, whereby the writ petition (CWP No. 6464 of 2014) filed by the appellant has been partly allowed.

After hearing learned counsel for the parties and going through the impugned order, we do not find any illegality in the order passed by the learned Single Judge.

In this case, the appellant filed the writ petition challenging the order dated 06.03.2013 (Annexure P-15), whereby an amount of ₹ 85,334/-

was sought to be effected from him along with 8% interest. The learned Single Judge held that on the basis of the enquiry conducted, the appellant was ordered to pay the said amount, as the loss was caused to the department due to his negligence. The contention of the appellant was that the enquiry in this regard remained pending for a long period without any fault of the appellant, therefore, he was not liable to pay interest on the said amount. When the matter was being disposed of, learned counsel for the appellant made a prayer that since the appellant had retired, therefore, the respondents be also directed to release his gratuity, which was not released due to pendency of enquiry. The learned Single Judge, while accepting the said prayer, ordered that the said amount be released to the appellant with interest at the rate of 8% from 07.04.2013 till the date of disbursement.

It is the grouse of the appellant that he should be paid interest on the amount of gratuity from the date of his retirement, i.e. 31.10.2005. Learned counsel for the respondent – State has pointed out that the impugned order has been complied with, and the appellant has been paid gratuity along with interest at the rate of 8% per annum with effect from 07.04.2013. The contention of the appellant that interest should have been paid to him from the date of his retirement cannot be accepted, because he became entitled for the release of gratuity amount only after completion of enquiry pending against him. Therefore, interest has been rightly paid to the appellant. We do not find any illegality in the impugned order passed by the

learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

August 11, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE