

The prayer made by the petitioner for the grant of salary for the period he remained under suspension, in view of order dated 28.08.2015, has been rendered infructuous as through this order, the period of suspension of the petitioner has been ordered to be treated as duty period.

Senior scale/selection grade has been denied to the petitioner on the ground that as per the applicable instructions, for being granted senior scale/selection grade, the pre-requisite was that the concerned employee should have a satisfactory record. The petitioner's record, for the relevant period, was not found satisfactory as during this period, he earned adverse entries in his Annual Confidential Report (ACR) including entries with regard to doubting his integrity. These facts have specifically been pleaded in the written statement filed on behalf of the respondents, to which there is no rebuttal on behalf of the petitioner, as no replication to the same has been filed. Thus, the prayer of the petitioner with regard to grant of senior scale/selection grade cannot be granted.

Now I intend taking up the issue raised by the petitioner seeking release of his retiral benefits.

The petitioner retired from service on 31.10.2006. Though he was paid provisional pension, his retiral benefits were withheld for the reason that he had been served a charge-sheet dated 26.05.2006 for imposition of major penalty under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987. At the time of hearing, learned State counsel produced order dated 22.04.2015 (Annexure-B), passed by the

Chief Secretary to Government Haryana, which is to the effect that in the regular departmental inquiry, which was conducted against the petitioner in pursuance to the afore-referred charge-sheet, since the charges remained unproved, the disciplinary proceedings have been ordered to be dropped.

That being so, as per the instructions of the Government of Haryana, Finance Department, dated 20.02.2002, the petitioner would not only be entitled to release of his retiral benefits but would also be entitled to interest thereupon.

In view of the above, the provisional pension granted to the petitioner is ordered to be regularized.

So far as the other retiral benefits are concerned, as per above referred instructions dated 20.02.2002 issued by the Finance Department, Government of Haryana, the petitioner is entitled to not just release of the same, but also interest thereupon. The relevant portion of the instructions is reproduced hereunder :-

“5. (i) In the case of an employee against whom disciplinary proceedings are pending at the time of retirement and the employee is clearly exonerated and steered clear of all the charges during the process of disciplinary proceedings and proved innocent, the retiral benefits due to him should be paid along with interest from the date of retirement till the date of payment.”

In view of the above, the retiral benefits of the petitioner, if not already released, be released along with simple interest @ 8% per annum, to be calculated from a date after three months from the date of retirement of the petitioner till the date of actual payment.

The needful be done within two months from the date of receipt of a certified copy of this order.

**(DEEPAK SIBAL)
JUDGE**

March 18, 2016
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