
Date of Decision:18.03.2016

.....Petitioner

Vs.

State of Haryana and othersRespondents

Present:- Mr. D.R. Bansal, Advocate for the petitioner.

Mr. Ravi Partap Singh, AAG, Haryana.

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RITU BAHRI, J.(Oral)

The petitioner is seeking direction to the respondents to make payment of interest on delayed payment of retiral benefits. The petitioner was retired on 31.5.2012 while working as Sub Divisional Engineer in the BML Water Services Division, Sub Division No.4, Kaithal. The Executive Engineer of the Division before his retirement vide letter dated 19.6.2012 (Annexure P.1) informed the Accountant General that one charge-sheet under Section 7 was pending against the petitioner and financial involvement in the case was just Rs.30,427/- and this amount had been recovered by the contractor. The detail of the payments released to the petitioner in paragraph 10 of the petition has been given as under:-

Item	Period	Days	Interest @ 12%
Leave encashment=468640/-	01.06.12 to 22.01.13	235	36191/-
Gratuity=742499/-	01.06.12 to 31.12.13	578	141095/-

Item	Period	Days	Interest @ 12%
GPF=2091742/-	01.06.12 to 13.08.12	74	50646/-
15770/-	01.06.13 to 22.08.13	83	430/-
59802/-	01.06.13 to 23.10.13	145	2851/-
Commutation=570367/-	01.01.14 to 31.01.14	31	5813/-
	Total		237026/-

The petitioner is seeking grant of interest from the date of payment as detailed in paragraph 10.

The petitioner has been awarded Rs.41,541/- by the respondents for delayed payment of interest. The respondents have placed on record the punishment order Annexure R.1 dated 5.8.2013 whereby the Principal Secretary to Government of Haryana had awarded the punishment of recovery of Rs.30,427/- against the petitioner and finally vide Annexure R.4, the Government of Haryana accepted his memorial and set aside the above said recovery on 15.4.2015. As per the instructions dated 20.2.2002 Annexure R.5 placed on record by the respondents deals with the payment of interest on delayed retiral benefits. As per Annexure R.5, the payment of interest is to be paid under sub clause 4.

In case of the petitioner vide Annexure P.1, the Executive Engineer had informed the Accountant General that the petitioner was facing charge-sheet and the financial involvement was of just Rs.30,427/-. For all intents and purposes, the retiral benefits should have been paid to the petitioner on 1.9.2012 after three months of his retirement i.e. 31.5.2012 and at the most, the respondents could have retained Rs.30,427/- which was subject-matter of the charge-sheet which was pending. The petitioner for all intents and purposes as per the instructions Annexure R.5 is held entitled for delayed payment of interest w.e.f. 1.9.2012 on all the payments i.e. on the

payment of leave encashment of gratuity, GPF and commutation from 1.9.2012, till the payment has been made to the petitioner after adjustment Rs.41,541 which has been made by the respondents. To this extent, the writ petition is allowed. The interest will be 9% as per the Supreme Court judgment in case of **Megh Varan Sharma v. State of Punjab and others, 2015(1) SCT 12**. Allowed accordingly.

March 18, 2016
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(RITU BAHRI)
JUDGE