

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 13121 of 2015 (O/M)
Date of decision : 30.11.2016

Roshan Lal (Retd.)

..... Petitioner (s)

Versus

State of Haryana and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Naveen Daryal, Advocate, for the petitioner.

Mr. Naveen Sheoran, Deputy A.G. Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The petitioner was working as a Forest Guard with respondent-department and voluntary retired from service on 31.7.2012 due to health problem. It comes out that 50% of the gratuity (Rs. 2,41,626/-) of the petitioner was withheld. Now, the said gratuity has been released.

The stand of the respondents was that it was held on account of some deficiency in the material. However, now Rs. 19,260/- have been recovered on account of deficiency of wire and the remaining amount has been released.

Now, the question is regarding only interest on the delayed payment.

I am of the view that only the amount, which is equal to the loss, could be withheld and not 50% of the gratuity. Therefore, the respondents are ordered to pay 9% per annum interest on the delayed

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payment of the gratuity to the petitioner, starting three months from the date of retirement till the date of actual payment.

The present writ petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

30.11.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No