

**215 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH  
CWP No.646 of 2014 (O&M)  
Date of decision : October 18, 2016**

**Dhoop Singh**

**..... Petitioner**

**Versus**

**State of Haryana and others**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

**Present:-** Mr. D.P.S. Bajwa, Advocate for the petitioner.

Mr. Gaurav Goyal, AAG, 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 ?

**KULDIP SINGH J. (ORAL)**

Petitioner, who was working in the Food and Supplies Department, retired from service on 31.01.2003 on attaining the age of superannuation. The claim of the petitioner in the present petition is that the retiral benefits were released to him on 18.03.2013 and he should be paid interest on the delayed payment of retiral benefits.

It was pleaded that the charge-sheet was issued to the petitioner under Rule 2.2.(b) of the Civil Services Rules, Volume-II on 18.08.2008 i.e. after five years of his retirement. The petitioner contested the inquiry, in which he was found innocent on 15.02.2012.

In the reply, the stand taken by the respondents is that recovery of Rs.3,31,847/- was found due from the petitioner and under Rule 9.15(I) of Punjab Civil Services Rules, Volume-II, the provisional pension could be released but no gratuity is to be released.

It is further disclosed that the petitioner had earlier filed a civil suit in the Court of Addl. Civil Judge (Sr. Divn.), Jind on 10.09.2003 regarding release of his pensionary dues and the said suit was dismissed.

The petitioner was also served a charge-sheet under Rule 2.2 (b) of the

Rules *ibid*, which was decided on 21.05.2008, in which the order of recovery of ₹29,494/- was passed taking into consideration that the petitioner had already deposited ₹57,893/-, out of his share of total loss of ₹87,387/-. Another charge-sheet was served upon the petitioner on 18.08.2008 under Rule 2.2 (b) of the Rules *ibid*, causing loss to the tune of ₹29,50,079/- to the department. However, the charge-sheet was finally dropped on 15.02.2012.

I have heard learned counsel for the parties and have also carefully gone through the case file.

It comes out that after the retirement of the petitioner when his retiral dues were not released, he filed a civil suit before the court of Addl. Civil Judge (Sr. Divn.), Jind on 10.09.2003, in which in addition to the prayer for release of amount of gratuity and leave encashment, the interest @ 24% per annum was also claimed. The said suit was dismissed. Therefore, the relief of interest for the delayed payment of the retiral benefits has already been claimed and finally decided by the competent court. This fact was concealed by the petitioner in the present writ petition. For the part of the same relief, a separate petition is not maintainable.

Accordingly, the present writ petition is dismissed with costs of ₹25,000/- payable to the respondent-department. If the said costs is not paid within two months from the date of passing of this order, the State shall be at liberty to deduct the same in installments from the pension of the petitioner.

(KULDIP SINGH)  
JUDGE

October 18, 2016

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No