

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P. No. 5843 of 2015

Date of Decision : May 27, 2016

Rati Ram Goyat.....Petitioner

vs.

State of Haryana and others.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?
Whether the judgment should be reported in the digest ?

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Present : Mr. R. S. Badhran, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner seeks interest on delayed release of his retiral benefits.

A few relevant facts, which need to be noticed for adjudicating upon the issue raised in the present petition are that on 30.06.2006, the petitioner retired as a Jail Superintendent. However, his retiral benefits were released to him as under :-

<i>Actual Date of Payment</i>	<i>Amount Paid</i>	<i>Period of Delay</i>	<i>Head</i>
05.07.2013	2,95,376.00	7Y 9M 4D	Arrears of Gratuity
25.02.2014	94,704.00	7Y 7M 24D	Arrears of Gratuity
03.10.2011	54,898.00	5Y 3M 2D	Leave Encashment
14.03.2014	1,77,436.00	7Y 8M 13D	Arrears of Payment

A perusal of the afore-quoted table shows that the retiral benefits were released to the petitioner after 5 to 8 years of his retirement

and for this reason, the petitioner seeks interest thereupon.

The defence on the part of the State is that the retiral benefits of the petitioner were delayed on account of the fact that he had been charge-sheeted under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 (hereinafter referred to as – the Rules) and after the petitioner had been absolved of the charges, the payments with regard to his retiral benefits along with arrears were released without delay.

I have heard learned counsel for the parties and with their able assistance, have also perused the record.

The only reason given by the State for the delay in release of retiral benefits to the petitioner was on account of the fact that the petitioner had been issued a charge-sheet under Rule 7 of the Rules. A perusal of the record shows that on inquiry held, it was found that the charges against the petitioner were not made out and consequently, the same were dropped. It is thus clear that the retiral benefits of the petitioner were withheld for a considerable long period of time on account of charges, which, on not been proved, were ordered to be dropped. Thus, the reason to withhold the retiral benefits of the petitioner for a considerable long period was unjustified. Resultantly, it is held that the petitioner is entitled to the grant of simple interest @ 8% per annum, which would accrue on a period of three months from the date of his retirement till the date of actual payment.

The writ petition stands allowed in the above terms.

(DEEPAK SIBAL)
JUDGE