

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.9263 of 2015

Date of decision: 18.01.2016

Rajbir Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Pankaj Midha, Advocate
for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

RITU BAHRI J. (Oral)

The petitioner has filed this writ petition seeking direction to the respondents to pay retiral benefits i.e. Death-cum-Retirement Gratuity, Earned Leave, Leave Encashment Benefit, Commuted Pension and TDS along with interest.

The petitioner joined the respondent-department on 17.09.1983 and his services were regularized on 30.09.1988. At the time of retirement, the petitioner was serving as SS Master at Government Senior Secondary School, Turkiawas, Rewari and after attaining the age of superannuation, he was retired on 30.04.2013.

Upon notice in the present petition, written statement

dated 05.01.2016, on behalf of respondents No.1 to 5 has been filed stating therein that the petitioner was charge-sheeted under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 vide order dated 11.03.2013. The petitioner gave the reply of the charge-sheet, but the punishing authority was not satisfied with the said reply and they had appointed an Enquiry Officer to enquire the allegations imposed upon the petitioner. The Enquiry Officer conducted the enquiry and submitted the enquiry report on 28.01.2014. Thereafter, the punishing authority vide order dated 25.06.2014 ordered that the charge-sheet served to the petitioner be cancelled. The following retiral benefits have already been granted to the petitioner:-

Sr. No.	HEAD	AMOUNT (in Rs.)	DATED
1	General Provident Fund	729338	21.07.2013
2	Group Insurance Scheme	15922	21.10.2014
3	Leave Encashment (58 days)	91732	01.10.2014
4	Commutation of Pension	529584	21.08.2015
5	Extra-ordinary Leave (180 days)	284668	20.09.2015
6	Death-cum-Retirement Gratuity	664275	21.08.2015

A perusal of the above table shows that after cancellation of the charge-sheet on 25.06.2014, commutation of pension has been paid on 21.08.2015, extra-ordinary leave (180 days) has been paid on 20.09.2015 and Death-cum-Retirement Gratuity has been paid on 21.08.2015. All the aforesaid payments should have been made within three months after dropping the

charges against the petitioner which has not been done.

Keeping in view the above facts and circumstances and in view of the judgment “*Megh Varan Sharma vs State of U.P. and others*”, 2015(1) SCT 12, the present petition, at this stage, is disposed of with a direction to respondents to pay the interest @ 9% w.e.f. 01.10.2014 till the date of payment to the petitioner.

(RITU BAHRI)
JUDGE

18.01.2016
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