

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

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RSA No. 1480 of 2011 (O&M)**Date of decision: 19.08.2016**

Maan Singh

.... Appellant

Versus

Director Panchayat, Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Mani Ram Verma, Advocate for the appellant.

Mr. Anil Mehta, DAG, Haryana.

P.B. Bajanthri, J. (Oral)

The appellant has assailed the order of both trial Court as well as appellate Court dated 17.09.2010 and 06.01.2011.

2. Appellant's grievance is relating to payment of interest on withheld gratuity amount for the period from 01.08.2000 to 31.03.2006. Appellant was subject to disciplinary proceedings on certain allegations relating to misappropriation of Government fund. The enquiry was initiated in the month of July, 2000. He attained age of superannuation and retired from service on 31.07.2000. Disciplinary proceedings initiated was concluded on 20.03.2001 while ordering recovery of Rs.8,589/-. The respondents withheld a sum of Rs.1 lac of gratuity amount on the ground that appellant was facing disciplinary proceedings. The same was

concluded on 20.03.2001 and order of recovery of Rs.8589/- was ordered which has attained finality as on 20.03.2001. In view of the above facts and circumstances, it was duty on the part of the respondents to deduct a sum of Rs. 8589/- from the withheld amount of Rs. 1 lac and release the balance amount. On the contrary, the respondents were demanding the appellant to remit misappropriated amount determined in enquiry. The appellant is stated to have remitted misappropriated amount of Rs. 8589/- in the month of December, 2005. Thereafter, withheld gratuity amount was released on 01.03.2006. The gratuity amount was lying in the respondent-Department since July, 2000. It was disbursed only on 01.03.2006.

3. Having regard to the above facts and circumstances, the respondents should have released the balance gratuity amount after deducting misappropriated amount of Rs.8589/- in the month of March, 2001 the date on which the enquiry was concluded. Therefore, the respondents are liable to pay interest @ 9% per annum for the period from 20.06.2001 to 01.03.2006. Petitioner is not entitle to interest for the period from 20.03.2001 to 20.06.2001, since the respondents should be given reasonable period of three months to set right the papers in the department. Interest shall be calculated and disbursed to the appellant within a period of 3 months from today.

19.08.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No