

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

**CWP No. 16016 of 2016 (O&M)
DECIDED ON: SEPTEMBER 22, 2017**

BHANWAR SINGH

....PETITIONER

VERSUS

STATE OF HARYANA & OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ravi Malik, Advocate for
 Mr. S.K.Panwar, Advocate
 for the petitioner.

Mr. Ram Tilak Redhu, DAG, Haryana.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature certiorari for quashing the order/letter dated March 21, 2016 (Annexure P-5), whereby, the grant of interest to the petitioner on the delayed payments has been rejected with further direction to respondents to pay interest @ 9% per annum on the delayed payments, of retiral benefits.

2. At the very outset of the arguments, it has been submitted by learned counsel for the petitioner that all the retiral benefits have already been released/disbursed to the petitioner after a considerable delay but no interest on

delayed payments has been paid by the respondents.

2. According to para No. 2 of the reply submitted by respondents No.1 to 3, petitioner was placed under suspension vide order dated April 19, 2005 and accordingly, he was charge sheeted under Rule 7 of HCS(P and A) Rules 1987. An enquiry was conducted in the matter and vide report dated January 29, 2007, charges levelled against the petitioner were proved. Learned State counsel has submitted that all the retiral benefits have been released/disbursed to the petitioner within three months from the date of retirement as such no interest is payable to the petitioner in view of the Finance Department instruction dated February 20, 2002. He further submits that petitioner was acquitted vide judgment dated March 18, 2014 passed by learned Sub Divisional Judicial Magistrate.

3. Although most of the retiral benefits have already been released/disbursed in favour of the petitioner but dues on account of leave encashment and commutation of pension have been released on March 01, 2012 and March 19, 2015. However, there is no plausible explanation furnished by the respondents for inordinate delay in releasing/disbursing the retiral benefits to the petitioner on account of leave encashment and commutation of pension, who stood retired on February 28, 2011 on attaining the age of superannuation. Moreover, no interest has been given to the petitioner on the delayed payments.

4. In the foregoing facts and circumstances, instant petition is allowed and respondents are directed to pay interest @9% per annum in respect delayed payment on account of leave encashment and commutation of pension, after an expiry of three months period from the date of retirement till the actual

payment. The amount shall be calculated by the respondents and paid to the petitioner within a period of two months from the date of receipt of a certified copy of this order. However, if the petitioner still feels aggrieved by any order of the respondents, he shall be at liberty to approach this Court.

SEPTEMBER 22, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*