

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

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Date of Decision : 06.03.2017

1.

CWP No.2283 of 2015 (O&M)

Mehma Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

2.

CWP No.2286 of 2015 (O&M)

K.D.Sharma

..... Petitioner

Versus

State of Haryana and another

..... Respondents

3.

CWP No.2319 of 2015 (O&M)

Satbir Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

4.

CWP No.2433 of 2015 (O&M)

Hans Raj

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Dhiraj Chawla, Advocate for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

Mr. Aseem Rai, Advocate for respondent No.2.

AJAY TEWARI, J. (Oral)

By these four petitions the petitioners had challenged the action of the respondents in withholding their retiral benefits.

Learned Assistant Advocate General states that some of the retiral benefits like gratuity, earned leave and computation of pension have been rightly withheld.

Learned counsel for the petitioners states that during the pendency of the petition all the retiral benefits have been released to the petitioners by the respondents themselves and this in fact reinforces the assertion that the respondents were not entitled to withhold the retiral benefits and he consequently prays that the respondents should pay him interest on these delayed payments.

Learned Assistant Advocate General on the other hand has argued that in view of the fact that the FIR is pending against the petitioners the respondents have the right to withhold gratuity, leave encashment and computation of pension and consequently even if those components have been released the petitioners can not be entitled to interest on those amounts. As regards the interest on the other components she has stated that the competent authority shall pass the fresh speaking order thereon.

I find this to be a fair submission. In my opinion it would be appropriate if the petitioner is permitted to make a self-contained representation to the competent authority and that be decided by the competent authority by passing a speaking order if any such representation is made within a period of one month from the date of receipt of certified copy of this order the competent authority shall decide the same by passing

a speaking order and, in case it is found that the petitioner is entitled to any amount of interest shall release the same within three months thereafter.

The petitions stand disposed of in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

06.03.2017

pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No