

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

CWP No.4163 of 2015

Date of Decision:24.01.2017

Pardeep Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. R.K. Agnihotri, Advocate for the petitioner.

Mr. Harish Rathee, Sr. D.A.G. Haryana.

P.B. BAJANTHRI J.

In the present petition, the petitioner has questioned the validity of order dated 25.3.2014 (Annexure P-5) by which petitioner's claim for interest on retiral benefits has been denied.

Admittedly, the petitioner has attained the age of superannuation and retired from service on 30.6.2007. While he was in service, he was facing criminal proceedings in which he has been acquitted in the year 2013. Thus, the respondents have released DCRG on 9.10.2013. Due to the pendency of the criminal proceedings, DCRG was not released so also the petitioner was not permitted for commutation of pension. On 9.10.2013, DCRG was released and the petitioner was permitted for commutation of pension. DCRG amount was lying with the respondents and they have earned interest on it. Thus, belated settlement of the petitioner like DCRG was released on 9.10.2013 instead of in the month of June 2007, the month in which petitioner retired. Hence, the petitioner is entitled for interest on DCRG amount at the rate of 9% per annum.

Insofar as commutation of pension is concerned, right of the petitioner accrued only as and when he was acquitted in a criminal

proceeding in the year 2013, therefore, he is not entitled for interest on commutation amount.

Having regard to the facts and circumstances, order dated 25.3.2014 (Annexure P-5) is set aside insofar as denial of interest is concerned. Petitioner retired on 30.6.2007. His retiral benefits should have been settled within a period of three months from the date of his retirement as per the Government policy. Having acquitted in a criminal case, petitioner is entitled to interest after three months from the date of retirement till payment is made. The concerned respondent is directed to calculate interest from 30.9.2007 to 9.10.2013 on DCRG amount at the rate of 9% per annum and disburse the same to the petitioner within a period of three months from today.

The petition is allowed accordingly.

24.01.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**