

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 7419 of 2016 (O/M)
Date of decision : 6.3.2017

Raj Kumar Gupta

..... Petitioner (s)

Versus

State of Haryana and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sandeep Panwar, Advocate, for the petitioner.

Mr. Naveen Sheoran, Deputy Advocate General, Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The petitioner retired as a Sub Divisional Officer on 31.5.2014 from respondent-Irrigation and Water Resources Department, Haryana. However, one day before his retirement, he was served with a chargesheet dated 30.5.2014 (Annexure-P-1) under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987, regarding a complaint dated 6.9.2010, vide Government Memo No. 6/104/2010-21E. After getting the reply from the petitioner dated 25.6.2014 (Annexure-P-4), the chargesheet was dropped, vide order dated 27.10.2015 (Annexure-P-5). Pending the chargesheet, his leave encashment amounting to Rs. 6,03,600/- was withheld and was released only on 2.3.2016. Vide the impugned reply dated 21.3.2016 (Annexure-P-9), the interest on the delayed payment of leave encashment has been denied to the petitioner only on the ground that the department is not at fault since the leave encashment was withheld

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pending the chargesheet.

I have heard the learned counsels for the parties and have also carefully gone through the file.

I am of the view that in this case, the charges pertain to a complaint dated 6.9.2010, but the chargesheet was served only one day before the retirement of the petitioner. In the said chargesheet, after obtaining the reply, the same was dropped after 1 year and 5 months of the retirement of the petitioner presumably as no substance was found in the charges. Even thereafter the money was credited in the account of the petitioner only on 2.3.2016, as per statement of passbook (Annexure-P-7). I am of the view that in this case, the chargesheet, which pertains to a complaint dated 6.9.2010, appears to have been made as a ground to withhold the leave encashment. There was no reason why the complaint dated 6.9.2010 was not dealt with for approximately four years and why the department decided to act only one day before the retirement of the petitioner. The department has used the money of the petitioner, therefore, they are liable to pay the interest on delayed payment of leave encashment. Accordingly, the present writ petition is allowed. Respondents are ordered to pay interest at the rate of 9% per annum on the delayed payment of leave encashment of Rs. 6,03,600/-, starting three months from the date of retirement till the date of actual payment.

(KULDIP SINGH)
JUDGE

6.3.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No