

103+228

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

**CWP-5306-2017 (O&M
Date of Decision:05.12.2017**

Baldeep Singh

.....Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. S.S.Antal, Advocate,
for the petitioner.

Mr.Hitesh Pandit, Addl. A.G., Haryana.

Mr.Vikas Chatrath, Advocate,
for respondent no.2.

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for respondent no.2, i.e. Hafed, in terms of what he had already submitted on 30.11.2017, states that two cheques have been issued today itself in favour of the petitioner, for amounts of Rs.3,94,320/- and Rs.7,93,089/-, as per the retirement dues of the petitioner, which would be deposited within three days in the petitioners' account.

However, learned counsel for the petitioner submits that the petitioner having superannuated on 30.06.2016, i.e. almost 1½ years ago, he would also be entitled to interest on the delayed payment of retirement dues, especially as he has been exonerated by the inquiry officer in the inquiry proceedings.

Mr. Chartrath submits that the petitioner having been issued a warning by the competent authority, he cannot be stated to have been completely exonerated of the charges issued against him.

On specific query, on instructions he submits that no show cause notice was issued to the petitioner as to why the competent authority should not disagree with the findings of the enquiry officer and impose a punishment thereafter. That being so, I do not see how even the warning issued to the petitioner would be sustainable and consequently, the petitioner is held entitled to interest at the rate of 6% per annum, on all retirement dues as are payable to him, from the date of his retirement, to the date of actual realization of the amounts, except in the case of gratuity, which would carry statutory interest as per the Act/Rules applicable.

Petition is accordingly disposed of.

December 05, 2017

Dharamvir/dinesh

(Amol Rattan Singh)

Judge

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO