

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

COCF No.2360 of 2018

Date of Decision:07.02.2019

Rameshwar Beniwal

... Petitioner

Vs.

Sanjeev Kaushal

... Respondent

CORAM : HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Sandeep Goyat, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G. Haryana.

NIRMALJIT KAUR, J. (Oral)

The present contempt petition has been filed for disobedience of the order dated 09.08.2017 passed in CWP No.17599 of 2017 vide which the direction was issued to finalize the proceedings with regard to charge-sheet issued to the petitioner and thereafter case of the petitioner be considered for grant of retiral benefits, in case, the petitioner deserves the retiral benefits. It is further directed that at the time of grant of retiral benefits, grant of interest shall also be considered in view of judgment in case *A.S. Randhawa v. State of Punjab and others*; 1997 (3) SCT 468.

Reply has been filed. As per the said reply, the amount due to the petitioner has been considered and disciplinary proceedings were finalized in favour of the petitioner on 6.11.2018. Thereafter, Additional Chief Secretary, Excise and Taxation Department, Haryana, considered the case of the petitioner with respect to the grant of retiral benefits vide speaking order dated 6.2.2019 which is placed on record as Annexure D-1 with a direction that the amount of gratuity be recovered and the rest of amount be released in accordance with law.

Learned counsel for the petitioner states that amount of interest has not been granted in spite of specific direction in the speaking order dated 6.11.2018.

However, it is pointed out by the learned counsel for the respondent as is also evident that the direction to pay interest was in accordance with law. While considering the case of the petitioner qua grant of interest, it was found that the petitioner is not entitled and his case is different from the matter of ***A.S. Randhawa v. State of Punjab and others***; 1997 (3) SCT 468. Vide directions dated 03.01.2019, issued by the Government, as per para 5 (ii) of Finance Department's instructions issued vide letter No.1/2 (152) 01-2FR-II, dated 20.02.2002 (Annexure D-2), Sh. Rameshwar Beniwal, ETO (Retd.) is not entitled for interest on delayed retiral benefits. The relevant part of the above is reproduced below:

“In case of an employee against whom disciplinary proceedings are pending at the time of retirement, and the said employee is held guilty, partially or fully of the charges levelled against him, no interest would be payable on the retiral benefits in his case till a period of three months from the date of final decision on the disciplinary proceedings. If the delay in these cases is beyond a period of 3 months of the date of decision on disciplinary proceedings and the employee concerned has completed the formalities on his part. Interest on such dues may also be allowed from the date of decision of disciplinary proceedings till the date of payment.”

It is further stated that delay was neither intentional nor deliberate as disciplinary proceedings were pending against the petitioner.

Thereafter, specific order has been passed on 3.1.2019 by the Additional Chief Secretary denying the said interest to the petitioner.

In view of the above, contempt petition is dismissed. Rule is discharged. However, a copy of the order dated 3.1.2019 passed by the Additional Chief Secretary be handed over to the learned counsel for the petitioner to enable him to challenge the same in case he is still aggrieved in any manner.

07.02.2019
rajeev

(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No