

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-346-2018

Date of decision: - 10.09.2019

Pawan Kumar Kansal

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. D.R. Bansal, Advocate,
for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

The prayer of the petitioner in the present writ petition is for issuance of the directions to the respondents to release his retiral benefits alongwith interest.

The grievance raised is that though the petitioner retired on attaining the age of superannuation on 29.02.2016, but his pensionary benefits were not released by the respondents.

In the reply to the writ petition, the respondents stated that there was a departmental proceeding pending against the petitioner on the day when he retired, due to which, the retiral benefits were withheld, but the said departmental proceedings were dropped by the respondents on 15.10.2018 and after the dropping of the proceeding, the retiral benefits

of the petitioner were released.

On the last date of hearing, the following order was passed by this Court:-

“Counsel for the petitioner states that all the payments for which he was entitled for after the retirement have been released but though after undue delay.

Counsel for the petitioner argues that the charge sheet which was served upon the petitioner, due to which the benefits for which the petitioner was entitled for on his retirement were withheld, was dropped by the respondents themselves on 15.10.2018 and once the allegations were dropped, petitioner is entitled for interest on the said payments keeping in view the instructions which the Government of Haryana has issued on 20.02.2002, according to which, an employee will be entitled for interest in case, he is clearly exonerated of all the charges levelled.

Dr. Satish Aggarwal, Director General, Health Services, Haryana, who is present in Court, states that though in the written statement, a stand has been taken that the petitioner is not entitled for interest but keeping in view instructions dated 20.02.2002, the case of the petitioner will be reconsidered for the grant of interest and the appropriate order will be passed in this regard within a period of two weeks from today. Keeping in view the statement made on behalf of the respondents by the Director General, Health Services, Haryana, writ petition is adjourned to 30.07.2019.

Let the order so passed by the respondents on the aspect of interest be placed before this Court on the next date of hearing.”

Counsel for the petitioner states that petitioner has been released the interest amounting to ₹4,00,000/- approximately, but the calculation of the interest has not been calculated correctly by the respondents.

Counsel for the petitioner prays that present writ petition be disposed of with the liberty to the petitioner to approach the respondents by filing a representation bringing to their notice the actual amount for which he is entitled for as interest on account of the delay in the release of the pensionary benefits and the respondents be directed to decide the said claim in a time bound manner.

Counsel for the respondents-State submits that in case any representation is received from the petitioner claiming the benefit of interest, the same will be decided in accordance with the facts of the case coupled with the law within a period of three months from the receipt of the said representation.

Counsel for the petitioner prays that keeping in view the statement made by counsel for the respondents, he does not wish to press the present writ petition any further and the same may be disposed of as such.

Ordered accordingly.

September 10, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No