204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18501 of 2014
Date of Decision: 25.2.2020

Nathu Ram .....Petitioner

Versus

State of Haryana and another
........Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Arun Dulgach, Advocate for
Mr. Abhimanyu Singh, Advocate, for the petitioner.

Mr. Ravi Dutt Sharma, Deputy Advocate General, Haryana.

Mr. R.S. Tacoria, Advocate, for respondent No.2.

NIRMALJIT KAUR, J. (Oral)

Prayer in the present petition is to release the interest @ 18% per annum of the total amount of gratuity retained from the date of his retirement i.e. 30.11.2012 to the date of releasing the gratuity i.e. July, 2014 and pension of the petitioner as also with a further to release ₹ 25,000/- retained by the Housing Corporation from the gratuity of the petitioner.

Reply has been filed. As per the said reply, the enquiry was pending against the petitioner and penalty of stoppage of one increment was imposed upon the petitioner. The disciplinary case was decided and penalty of recovery of ₹ 2,84,208 was imposed on the petitioner and one Dharambir vide order dated 13.8.2012. The Appellate Authority decided the appeal and ordered recovery of only 50% from the petitioner and one Dharambir Singh and the balance 50% was waived off vide order dated 13.12.2016 and it was only thereafter that the regular pension was released to the petitioner on 23.6.2014, whereas, the provisional pension already stood released on

22.7.2013. An amount of ₹ 25,587/- has already been released to the petitioner.

From the above, it is evident that the petitioner retired on 30.11.2012 and the provisional pension released on 22.7.2013, therefore, at least the provisional pension should have been released forthwith, which was not done. Accordingly, the respondents are directed to pay interest @ 6% per annum on account of delayed release of provisional pension from the date of his retirement till it was paid.

The disciplinary proceedings finally came to an end on 13.8.2012 by way of punishment of recovery of 50% imposed on the petitioner. The regular pension should have been released forthwith. It was released as on 23.6.2014, therefore, the respondents are also liable to pay interest @ 6% per annum from 13.8.2012 to 23.6.2014 on the balance release of regular pension. The amount of interest be paid to the petitioner within a period of two months from the receipt of certified copy of this order.

The present writ petition is disposed of as above.

(NIRMALJIT KAUR)
JUDGE

25.2.2020
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No