

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

**Civil Writ Petition No. 8303 of 2021 (O&M)
Date of Decision: 16.09.2021**

Sanjeev Kumar Garg, Distt. & Sessions Judge (Retd.),
Mullanpur, Mohali, Punjab

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Sunil Chadha, Senior Advocate, assisted by
Mr. Armaan Saggar Chadha, Advocate and
Ms. Swati Verma, Advocate
for the petitioner.

Mr. Pankaj Gupta, Additional Advocate General, Punjab.

Ms. Munisha Gandhi, Senior Advocate, assisted by
Ms. Swati Batra, Advocate
for respondent No. 2 – Pb. & Hry. High Court, Chandigarh.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

JASWANT SINGH, J. (ORAL)

The petitioner, who is a retired District and Sessions Judge, Punjab, through the present writ petition, has prayed for quashing the letter dated 04.03.2021 (**Annexure P-4**) issued by respondent No. 2, informing the petitioner that due to three pending complaints, No Dues Certificate for release of his Death-cum-Retirement Gratuity cannot be issued. The petitioner also seeks directions to the respondents to release the Death-cum-Retirement Gratuity alongwith interest @ 18% per annum.

The petitioner retired as District and Sessions Judge, Punjab, on 31.03.2020 and has been released GPF on 03.06.2020, GIS on 24.08.2020, leave encashment on 22.06.2020 and monthly pension on 27.08.2020, but

the Death-cum-Retirement Gratuity was not released. Since, the petitioner failed to receive any response of his two representations dated 06.11.2020 and 07.12.2020 (**Annexures P-1 & P-2 respectively**) addressed to the Registrar General, Punjab & Haryana High Court, Chandigarh, the petitioner vide application dated 08.02.2021 (**Annexure P-3**) sought information under the Right to Information Act with regard to the reasons for withholding his gratuity amount. In response to the said letter dated 08.02.2021 (**P-3**), respondent No. 2 (*High Court of Punjab & Haryana, Chandigarh through its Registrar General*) supplied the information vide letter dated 04.03.2021 (**P-4**), wherein it has been informed that on account of pendency of three complaints against the petitioner, No Dues Certificate for release of the Death-cum-Retirement Gratuity cannot be issued. Hence, the present petition challenging the said letter dated 04.03.2021 (**P-4**).

On the last date of hearing, learned Senior Counsel appearing for respondent No. 2 – High Court had submitted that the matter is under re-consideration before the competent committee.

At the time of resumed hearing today, learned Senior Counsel appearing for respondent No. 2 – High Court states that the Registrar General, vide its letter even number dated 07.09.2021 addressed to the Chief Secretary to Govt. of Punjab, has issued the No Dues Certificate (NDC) in favour of the petitioner – Sh. Sanjeev Kumar Garg, District & Sessions Judge (since retired). Hence, learned Senior Counsel states that nothing more survives for adjudication in the present petition.

In response, learned Senior Counsel for the petitioner concedes the aforesaid factual position, however, prays for interest on the delayed

payment.

Since the necessary relief has been granted to the petitioner, we are not inclined to accept the half-hearted claim for interest on the delayed payment for a period of around one and half years.

Disposed off.

(JASWANT SINGH)
JUDGE

September 16, 2021
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(SANT PARKASH)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>