

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

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**CWP No. 4069 of 2020 (O&M)
Date of Decision: 15.02.2023**

BALWAN SINGH SINDHU

.....Petitioner

Vs

STATE OF HARYANA AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Naveen Singh Panwar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

This petition has been filed by the petitioner for the issuance of a writ in the nature of certiorari for quashing the impugned order dated 07.09.2019 passed by the respondent No.2, whereby interest on the delayed payment of retiral benefits has been rejected in violation of office memorandum dated 20.02.2002 issued by the Financial Department, Haryana.

According to the aforesaid instructions dated 20.02.2002 in cases where delay exceeds a period of three months in settlement and payment of such retiral benefits, the same should be paid along with interest to be calculated till the

date of payment.

In the instant case, vide order dated 04.02.2009, benefits of counting of emergency military service towards pension were accorded and the writ petition was allowed. The military service of the petitioner during emergency was ordered to be considered for grant of pension vide judgment dated 04.02.2009 passed in CWP No.6094 of 2008. LPA No.348 of 2010 was preferred by the respondent State against the aforesaid order dated 04.02.2009. The operation of the impugned order dated 04.02.2009 was stayed by the LPA Bench vide order dated 26.03.2010. The aforesaid LPA was ultimately dismissed vide order dated 24.04.2014.

The grievance of the petitioner is that despite dismissal of LPA on 24.04.2014 the necessary benefits were released only on 25.08.2015, despite filing of the COCP No.3094 of 2014 by the petitioner, which was ordered to be rendered infructuous on the basis of wrong statement made on the basis of wrong factual position narrated by the respondent-State. Thereafter, the petitioner was constraint to move a fresh contempt petition i.e. COCP No.1984 of 2014 and the same was disposed of vide order dated 18.01.2016. Prior to the disposal of the aforesaid contempt petition on 18.01.2016, the benefits of

military service were released to the petitioner on 25.08.2015 and therefore, COCP No.1984 of 2015 was ordered to be rendered infructuous and was disposed of, thereby giving liberty to the petitioner to take recourse to his legal remedies in accordance with law. Thereafter, the present petition came to be filed.

In the written statement filed on behalf of the respondents No.1 and 2, a stand has been taken that after decision of LPA No.348 of 2010 on 24.04.2014 the claim as regards the benefits of military service was granted to the petitioner on 23.02.2015. Evidently, the benefits were granted on 23.02.2015, but the same were ultimately released only on 25.08.2015. In any case, the petitioner is entitled for interest towards delayed payment of benefits arising out of military service from 24.04.2014 till the date of actual release i.e. 25.08.2015. Liberty was also given to the petitioner while deciding COCP No. 1984 of 2015 on 18.01.2016 to take recourse to legal remedy in accordance with law.

In view of above, this petition is disposed of, thereby, entitling the petitioner to the interest @ 6% per annum on the sanctioned amount towards military service from 24.04.2014 till 25.08.2015. Let the necessary calculations be carried out by the respondents forthwith and needful be done within a period of

two months from the date of receipt of certified copy of
this order.

Petition stands disposed of accordingly.

15.02.2023
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(RAJ MOHAN SINGH)
JUDGE

whether speaking/non speaking	yes/no
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