

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(325)

CWP-17047-1998

Date of Decision : September 02, 2023

Ram Prasad

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Varun Sharma, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed seeking the interest on the delayed release of gratuity and other benefits.
2. As per the averments made in the writ petition, the petitioner joined the service in the year 1955 and retired from service on 30.06.1993 on attaining the age of superannuation. It is averred in the petition that the pensionary benefits were not released to the petitioner immediately on retirement of petitioner and the same were only released starting from the year 1997 hence, as the pensionary benefits of the petitioner were retained for a period of four years, the petitioner is entitled for the grant of interest.
3. Upon notice of motion, the respondents have filed the reply. In the reply, the respondents have stated that while the petitioner was in service, he was served a charge sheet for a serious allegation that while

working as Secretary, Central Committee of Examination, which conducted State Accounts Service (S.A.S) examination, certain interpolations were done by the petitioner in the marks obtained by the candidates which was enquired into and the charges were proved against the petitioner. Not only this, even the criminal proceedings were initiated while registration of FIR No.174/93 dated 29.12.1993 at Police Station U.T. Chandigarh North. As per the reply, after the charges were proved, by taking a lenient view, no punishment was imposed but the order was passed that the petitioner will not get any benefit for the period he remained under suspension and will not get interest on the withheld retiral benefits. Hence, the claim of the petitioner is without any valid justification and liable to be rejected.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It may be noticed that in the disciplinary proceedings, which were pending at the time when the petitioner retired from service on 30.06.1993, the petitioner has already been held guilty. Once, the petitioner has been held guilty, the respondents were well within their jurisdiction to decide about the suspension period which has been decided by the respondents that no benefit, except already paid will be given to the petitioner for the said period. With regard to the withheld pensionary benefits, though the same were directed to be released but without any interest.

6. In the facts and circumstances of the present case, said view cannot be held to be arbitrary especially when, the disciplinary proceedings were pending against the petitioner and that too with serious allegations, which allegations stood proved, hence, in the facts and circumstances of the present case, non-grant of interest on the payment which were released to

the petitioner immediately after the conclusion of the disciplinary proceedings, cannot be treated arbitrary or illegal and without any jurisdiction.

7. Dismissed.

September 02, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes