

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

241

CWP-14534-2021 (O&M)
Date of Decision:17.08.2023

Pankaj Chaudhary

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Raman B. Garg, Advocate and
Ms. Gitanjali Chhabra, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

HARSIMRAN SINGH SETHI J.(Oral)

1. The present petition has been filed seeking interest on the delayed release of the pensionary benefits.
2. As per the facts mentioned in the petition, the petitioner retired from service on 31.07.2021 after attaining the age of superannuation. As per the undisputed facts, on the date when the petitioner retired, there was a charge-sheet pending against the petitioner which was issued to him on 18.12.2015 apart from this criminal proceedings was also pending against the petitioner in the shape of FIR bearing No.655 dated 06.09.2012 registered at PS City Sirsa under the Prevention of Corruption Act.
3. Learned counsel for the petitioner argues that in both the proceedings the petitioner has been found innocent as the respondent dropped the enquiry proceedings after conducting an enquiry where the allegations were not proved against the petitioner and even in the FIR, the petitioner was acquitted by the

competent court of law. Learned counsel further submits that once the petitioner has not been held guilty in any of the proceedings due to which his some of the pensionary benefits were with-held by the respondent, the petitioner is entitled for interest on the delayed release of the said benefits.

4. Learned State counsel submits that the arguments raised by learned counsel for the petitioner that the petitioner has already been acquitted by the competent court of law in the criminal proceedings and the disciplinary proceedings have been dropped, appropriate action will be taken for the release of the pensionary benefits to the petitioner.

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

6. Keeping in view the documents which have been attached with the petition, it is clear that the charge-sheet which was issued to the petitioner has been dropped, which fact has not been rebutted by the respondent. Even in the criminal proceedings, the petitioner has been acquitted by the competent court of law by judgment dated 11.04.2023 hence, there is no valid justification with the respondent to with-hold the pensionary benefits any further.

7. As per the judgment of the Full Bench of this Court in ***A.S.Randhawa Vs. State of Punjab*** , the amount for which an employee is entitled for needs to be released to him within a period of two months of his/her retirement in case there is no impediment. Applying the said ratio, once the impediment is removed, the respondents are under an obligation to release the with-held benefits within a period of two months and in the present case the said time period has already lapsed since petitioner has been acquitted from the criminal proceedings and departmental proceedings have also been dropped and

more than two months have already been lapsed, no further impediment has been brought to the notice of this Court so as to with-hold pensionary benefits any further.

8. Keeping in view the above, the present petition is allowed and the respondents are directed to release the with-held pensionary benefits forthwith.

9. As the petitioner has been exonerated of the departmental proceedings as well as acquitted from the criminal proceedings,, the petitioner also becomes entitled for the grant of interest. The said issue stands covered in favour of the petitioner in view the order passed by this Court in CWP No.12146-2016 decided on 22.05.2019 titled as ***Tara Chand Tusamer Vs. State of Haryana and another***. The relevant paragraphs of the said judgment is as under:-

11. In the case of J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355, a Co-ordinate Bench of this Court had held that an employee will be entitled for the interest on an amount which has been retained by the respondents without any valid justification. The relevant paragraph of J.S. Cheema's case (supra) is as under: -

“The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is lying it may result in higher rate because then it can also include the

component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”

10. The case of the petitioner is squarely covered by the abovesaid judgments and keeping in view the above, the delayed release of the pensionary benefits the petitioner will also be entitled for interest @ 6% per annum from the date the benefits became due till its actual disbursement.

11. Let the calculation of the amount of interest be done within a period of two months from the date of receipt of a certified copy of this order and the actual amount, so calculated, shall be released to the petitioner within period of one month thereafter.

12 Present writ petition stands allowed of in the above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

17.08.2023

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No