

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No. 2138 of 2023 (O&M)
Date of Decision: 20.12.2023

State of HaryanaAppellant
versus
Pankaj ChaudharyRespondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY, JUDGE

Present : Mr. Deepak Balyan, Addl. Advocate General, Haryana,
for the appellant.

RITU BAHRI, ACTING CHIEF JUSTICE (oral)

CM No.5337-LPA of 2023

For the reasons mentioned in the application, delay of 23 days
in filing the appeal is condoned. Application stands disposed of.

LPA No. 2138 of 2023

The appellant-State of Haryana has filed this appeal against the judgment dated 17.08.2023 whereby the writ petition filed by the petitioner (respondent herein) claiming retiral benefits w.e.f. 31.07.2021 has been allowed alongwith interest @ 6% per annum. A perusal of the impugned judgment shows that on the date when the petitioner retired from service, a charge-sheet was pending against him and he was also facing trial in the trial Court in FIR No. 655 dated 06.09.2012 registered under the Prevention of Corruption Act at Police Station City Sirsa. It is also stated that the petitioner has been acquitted by the competent Court of law in criminal proceedings on 11.04.2023. After acquittal, the writ petition filed by the petitioner has been allowed by the learned Single Judge by observing that the petitioner has a right to claim the benefit of pension and other consequential benefits alongwith interest @ 6% per annum from the date the benefits became due till its actual disbursement.

2. Learned counsel for the appellant has referred to Rules 69 of the Haryana Civil Services (Leave) Rules, 2016 and 81 of the Haryana Civil Services (Pension) Rules, 2016 to contend that the department during the pendency of the departmental proceedings as well as judicial proceedings has a right to withhold the payment of gratuity and commuted value of pension. However, these Rules have not been considered in the present case.

3. In the present case, the payment of retiral benefits has been made after the judgment of acquittal came and during the period of trial as per the abovesaid rules this payment was withheld by the Department and hence the payment was not rightly made as per Rules 69 of the Haryana Civil Services (Leave) Rules, 2016 and 81 of the Haryana Civil Services (Pension) Rules, 2016. As per the observations made by the learned Single Judge, after acquittal the petitioner has rightly been ordered to be paid the retiral benefits alongwith interest as this was his right which came due after acquittal with interest at the rate of 6% per annum.

In the Rules as referred to by learned State counsel for the appellant, there is no provision that after acquittal the interest is not to be paid to the concerned employee. Accordingly, we do not find any merit in the appeal and the same stands dismissed. Pending applications, if any, also stand disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

20.12.2023
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√