

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

220

CWP-3842-2021

Date of Decision :25.01.2024

Parkash Chandra Trivedi**...Petitioner**

Versus

State of Haryana and others**....Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Gursimran Singh, Advocate for
Mr. Ishan Gupta, Advocate for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, grievance of the petitioner, who retired from service on 30.09.2019 on attaining the age of superannuation is that his pensionary benefits were withheld by the respondents on account of pendency of certain departmental proceedings but after the retirement, all the disciplinary proceedings, which were pending against him at the time of retirement were dropped, hence, the petitioner becomes entitled for the grant of interest on the delayed release of his pensionary benefits.

2. Learned counsel for the respondents submits that once the department was within its jurisdiction to withhold the certain pensionary benefits due to the pendency of the disciplinary proceedings and the same were released immediately when the said departmental proceeding were dropped and as there was no delay in releasing the pensionary benefit of the petitioner after dropping all the charge sheets pending against him, no

interest is liable to be paid to the petitioner.

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

4. It is a conceded fact that at the time when the petitioner retired from service, disciplinary proceedings were pending against him due to which some of the pensionary benefits were withheld by the respondents. It is also a conceded fact that keeping in view the reply filed by the respondents, all the disciplinary proceedings, which were pending against the petitioner at the time of his retirement were dropped. That being the factual position, it can be very well assumed that allegations being alleged against the petitioner in the charge sheet could not be proved and in the absence of non-proving of the charges alleged against the petitioner, no pensionary benefits could have been withheld by the respondents hence, petitioner is entitled for the grant of interest on the said delayed release of the pensionary benefits. Claim of the petitioner is covered in his favour in view of the order passed by the Division Bench of this Court in **LPA-314-2023 titled as State of Punjab and another vs. Harbhajan Singh, decided on 16.01.2024**, and learned State counsel has not been able to rebut the said fact.

8. Further, a Coordinate Bench of this Court in of ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, has held that where an amount belonging to an employee, has been retained and used by the respondents, upon the release of the said amount, on a later date, the interest has to be given. 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."

The case of the petitioner is squarely covered by the above said decisions in his favour for the grant of interest on the delayed release of pensionary benefits admissible to him.

Hence, petitioner is held entitled for the interest @ 6% per annum on the payments, which have been released after a delay from the date the amount became due till the actual payments have been released to him.

Let the computation of interest be done by the respondents within a period of two months from the date of receipt of copy of this order.

Writ petition is allowed in above terms.

January 25, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No