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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7040-2021(O&M)

Date of decision: 22.11.2024

Jitender Singh

...Petitioner(s)

VERSUS

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rajender Singh Malik Advocate, for the petitioner.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

Mr. Ashish Yadav, Advocate for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned letter dated 03.11.2020 (Annexure P-2), vide which recovery of an amount of Rs.2,59,808/- has been held against the petitioner without any show cause notice, enquiry and after 4 years of retirement, with a further prayer to direct the respondents to grant interest @ 18% per annum to the petitioner on delayed payment of retiral benefits and arrears of salary under suspension period i.e. Gratuity, Leave Encashment, LTC and Performance Award w.e.f. due date i.e. 30.09.2016.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner retired on 30.09.2016 as a Manager and



before his retirement, he was facing an FIR dated 21.05.2015, under Sections 7, 8 and 13 of the Prevention of Corruption Act and just one day before his retirement, he was served with two charge-sheets regarding which ultimately a punishment order was passed against the petitioner and amounts of Rs. 59,173/- and Rs. 87,180/- were recovered from him but the subject matter of the present petition is not pertaining to the aforesaid two recoveries regarding which he is not disputing the same nor he has challenged the same

3. Learned counsel for the petitioner further submitted that the subject matter of the present writ petition is that after four years of the retirement of the petitioner, there was a recovery of an amount of Rs.2,59,808/- from him with regard to some electricity bill at the time when he was in service, which could not have been done after four years of his retirement and also without issuing any show cause notice with regard to the aforesaid recovery. He further submitted that the second grievance of the petitioner is that his retiral benefits have been given to him on 30.01.2021 by the respondents with delay and therefore, he is entitled for grant of interest on the same from 30.01.2018 i.e. the date when charge-sheets were decided against him till 30.01.2021 i.e. the date of disbursal.

4. On the other hand, Mr. Ashish Yadav, learned counsel appearing on behalf of respondent No.2 submitted that so far as the aforesaid two grievances which have been raised by the petitioner are concerned, although reply has been filed but he has not be able to dispute the aforesaid averments made by the petitioner.

5. I have heard the learned counsels for the parties.

6. The aforesaid two grievances of the petitioner appear to be just and reasonable. Once the petitioner retired on 30.09.2016, there was no justification



with the respondents to have recovered an amount of Rs.2,59,808/- from the petitioner with regard to some electricity bill especially after four years of his retirement and without issuing any show cause notice to the petitioner and therefore, the petitioner is entitled for the refund of the aforesaid amount of Rs.2,59,808/-.

7. So far as the second grievance of the petitioner is concerned, the pensionary/retiral benefits of the petitioner were withheld because of the pendency of charge-sheets, which stood concluded on 30.01.2018 as aforesaid and at least from that date the petitioner was entitled for grant of remaining pensionary/retiral benefits even after adjusting the recovery as per the punishment order but the same were not given to the petitioner till 30.01.2021 and therefore, the petitioner is entitled for grant of interest on the same.

8. In view of the above, the present writ petition is partly allowed. The respondents are directed to refund an amount of Rs.2,59,808/- to the petitioner along with interest @ 6% per annum (simple) to be calculated from the date of his retirement plus two months till the date of its actual disbursement. The respondents are also directed to pay interest @ 6% per annum (simple) to the petitioner on the pensionary/retiral benefits which have been paid to him, which shall be calculated from 30.01.2018 till 30.01.2021. Both the aforesaid payments after being calculated shall be paid to the petitioner by the respondents, within a period of three months from today.

22.11.2024

Rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No