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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7093-2024 (O&M)
Date of decision: 01.04.2024

Duli Chand

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. A.K. Sharma, Advocate, for
Mr. R.D. Yadav, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the order dated 19.07.2022 (Annexure P-8).

2. Learned counsel appearing on behalf of the petitioner submitted that earlier also the petitioner had filed a petition before this Court i.e CWP No.9411 of 2022 and vide Annexure P-7 a direction was issued to the respondents to decide the representation dated 15.08.2021 (Annexure P-6) by passing a speaking order within a period of eight weeks and it was further directed that in case after the decision of the claim of the petitioner, it is found that the petitioner is entitled for the monetary benefits, then the same should also be paid to the petitioner within a period of four weeks thereafter. He submitted that thereafter the impugned order (Annexure P-8) was passed wherein the interest @ 6 % per annum has been granted, whereas the petitioner

is entitled for interest @ 12% per annum. He also submitted that the date from which the interest has been granted is 21.11.2019 whereas the interest should have been granted before the aforesaid date.

3. I have heard the learned counsel for the petitioner.

4. The petitioner was appointed as Junior Engineer in the respondent-Board on 14.01.1983 and thereafter, he retired on 31.03.2017. He was facing number of charge-sheets. Five charge-sheets were served upon him prior to his retirement and two charge-sheets were served after his retirement under Rule 12.2(b) of Haryana Civil Services (Pension) Rules, 2016. After his retirement his provisional pensionary benefits were released in the year 2017 itself since the charge-sheets were pending against him. While he was in service, a charge-sheet dated 20.04.2016 was issued to him and in this charge-sheet, a punishment of stoppage of three increments without cumulative effect was awarded to him vide order dated 27.10.2016. Against the aforesaid order of punishment, an appeal was filed by him before the Board of Directors and the Board of Directors by taking a lenient view reduced the punishment from stoppage of three increments without cumulative effect to one increment without cumulative effect. After the decision of all the seven charge-sheets against him, the regular pension, DCRG and commutation were released to him vide order dated 05.01.2021. In the impugned order, the competent authority has referred to Rule 79(6) (ii) of Haryana Civil Services (Pension) Rules, 2016 which is reproduced as under:-

'he is held guilty, partially or fully, of the charges leveled against him, or the same are dropped on account of lack of evidence, i.e. he is not proved innocent, or disciplinary proceedings are dropped only on the grounds that the Government employee has retired, no interest shall be payable on the pension and death-cum-retirement gratuity if the same have been authorized within three months from the date of final

decision on the disciplinary proceedings. In case of delay, interest shall be regulated as per provision laid down in sub-rule (1) for the delayed period.”

5. While referring to the aforesaid Rule, the competent authority has so observed that an employee is held guilty, partially or fully and the charges are dropped on account of lack of evidence i.e. he is not proved innocent or disciplinary proceedings are dropped only on the ground that the Government employee has retired, then no interest shall be payable on the pension and death-cum-retirement gratuity if the same have been authorized within three months from the date of final decision on the disciplinary proceedings. The Board of Directors as aforesaid have reduced the punishment of the petitioner on 22.08.2019 and the benefits were to be given to him without interest on or before 21.11.2019 but the same were given to the petitioner on 05.01.2021. The competent authority therefore granted interest @ 6% per annum w.e.f. 22.11.2019 to 05.01.2021.

6. The argument raised by the learned counsel for the petitioner that he was entitled for interest @ 12% per annum instead of 6% per annum is not sustainable. This Court is of the view that award of interest @ 6% per annum is just and proper. So far as the period for which the interest has been granted is also in accordance with the aforesaid Rule 79(6) (ii) of Haryana Civil Services (Pension) Rules, 2016 and therefore no interference can be called.

7. Consequently, the present petition is dismissed.

01.04.2024

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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