



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CWP No.10933 of 2020
Date of decision: 12.12.2024

Hanuman Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. R.S. Sangwan, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

NAMIT KUMAR J. (Oral)

1. The instant petition has been filed by the petitioner seeking a writ of certiorari, quashing the communication/letter dated 09.03.2020 (Annexure P-6) and a writ of mandamus, directing the respondents to re-fix, calculate and grant all pensionary benefits to the petitioner by counting his work charge service from September, 1980 to 31.12.1986 and regular service from 01.01.1987 to 08.12.1996, with all consequential benefits.

2. On the last date of hearing i.e. 04.12.2024, the following order was passed:-

XX XX XX XX

*Short reply on behalf of the respondents has been
filed, wherein it has been stated as under :-*

*“3. That the pay of petitioner was fixed
w.e.f. 01.01.1987 to 01.07.2018, but at the time of
retirement qualifying service counted with effect*

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from 01.01.1996 and accordingly pension/commutation/DCRG and leave encashment payment was made to the petitioner. The matter has been re-examined in light of Finance Department letter No.2/2/2004-1 Pension (FD) dated 10.12.2004, and pay of petitioner has been refixed after counting of work charge service w.e.f. 01.09.1980 to 01.07.2018 by Executive Engineer, M/Garh Canal W/S Division Ch. Dadri letter No. 3040-47/PF dated 09.11.2020 (Annexure R-1) as prayed by the petitioner in present Civil Writ Petition. Accordingly, revised Pension/DCRG/ Commutation case of the petitioner was sent to Accountant General (A&E) Haryana by Executive Engineer, M/Garh Canal W/S Division Ch. Dadri letter No.3260-62/PF dated 25.11.2020.

4. That after re-fixation of pay, arrear of leave encashment has been sanctioned by the competent authority vide office order No. 156-60/PF dated 18.01.2021 and accordingly payment has been made to the petitioner.

5. That the Accountant General (A&E) Haryana issued revised PPO No.1119219285219285 & CPO No.13213281438104 dated 11.01.2021 (Annexure R-II) in favour to the petitioner. But the revised sanction of DCRG has not been received from Accountant General (A&E), Haryana, hence revised DCRG case of the petitioner has been again sent to Accountant General (A&E) Haryana vide no. 154/PF dated 18.01.2021 (Annexure R-III). The arrear of revised Pension will be released by the Treasury Office, Bhiwani.”

Learned counsel for the petitioner submits that the petitioner has not been paid the revised DCRG and arrears of pension has also not been released.

Learned State counsel seeks time to get instructions from the respondents as to whether all the payments have been made to the petitioner or not.

Adjourned to 12.12.2024.

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To be taken up immediately after urgent list.

3. Learned State counsel, on instructions from Sh. Sanjay Kumar, SDO from the office of XEN, Mahendergarh Canal W/S Division Charkhi Dadri, submits that all the retiral dues of the petitioner have been released including refixation of pension, revised leave encashment and gratuity. He has produced a copy of the letter dated 11.12.2024, wherein it has been stated that arrears on account of revision of pension w.e.f. 01.05.2019 to 31.01.2021, amounting to Rs.1,17,456/- and arrears of un-utilized leave encashment of 266 days, amounting to Rs.95,334/-, have been released to the petitioner. Similarly, out of total amount of DCRG, a sum of Rs.3,21,300/- has already been released to the petitioner in the month of June, 2021 and the remaining balance amount of Rs.3,66,660/- shall be released to the petitioner by tomorrow i.e. 13.12.2024, therefore, the instant petition may be disposed of having been rendered infructuous.

4. Learned counsel for the petitioner, in view of the statement made by learned State counsel, submits that though the retiral dues of the petitioner have been released to the petitioner, however, the same have been released without any interest as there is a considerable delay in releasing the gratuity amount to the petitioner and, therefore, he is entitled for interest on the said amount. To support his contention, he has placed reliance upon the judgments in ***A.S. Randhawa Vs. State of Punjab and others : 1997(3) S.C.T. 468*** and ***J.S. Cheema Vs. State of Haryana : 2014(13) RCR (Civil) 355***.

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5. In view of the above factual position and settled principles of law and considering the fact that there is a considerable delay in releasing the gratuity amount, the present petition is disposed of with a direction to the respondent-department to pay interest @ 6% per annum to the petitioner, on the delayed payment of gratuity amount.

6. Let the necessary calculations be made and the said benefit be released to the petitioner, from the date it became due till the date of payment, within a period of two months from today.

(NAMIT KUMAR)
JUDGE

12.12.2024
yakub

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