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

CWP-14571-2022

Date of Decision: 27.08.2024

Mohammad Ali

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Naveen Siwach, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Arvind Seth, Advocate,
for the respondents-HSVP.

JASGURPREET SINGH PURI, J. (ORAL)

1. At the outset, Mr. Arvind Seth, learned counsel for the respondents-HSVP has filed an affidavit on behalf of respondent No.2 in Court today, which is taken on record. While referring to the office order dated 12.07.2024 attached with the aforesaid affidavit, he stated that the petitioner has now been exonerated from the departmental proceedings/charge-sheet, due to which his retiral benefits were withheld. He further submitted that now all the retiral benefits have been paid to the petitioner and therefore, the present petition has become infructuous and may be disposed of as such.

2. On the other hand, learned counsel for the petitioner submitted that although during the pendency of the present petition, the entire benefits



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have been paid to the petitioner by the respondent-Department after duly exonerating him from the charges due to which his retiral benefits have been withheld but he is entitled for the interest on the delayed payment because now the petitioner has been exonerated.

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

4. A perusal of the aforesaid order dated 12.07.2024 by which the petitioner has been exonerated would show that the petitioner has been completely exonerated from the charges levelled against him in the charge-sheet and due to the pendency of the enquiry at the time of retirement of the petitioner, his retiral benefits were withheld. Now all the retiral benefits have been paid to the petitioner after his exoneration from the charges. However, the claim of the petitioner is for grant of interest on the delayed payment as well. This Court is of the considered view that once the retiral benefits of the petitioner were withheld on the basis of a particular charge-sheet and the aforesaid charge-sheet has culminated into fully exoneration of the petitioner, then the amount of retiral benefits which was with the respondent-Nigam had earned interest with the respondent-Nigam for which the petitioner will certainly be entitled for the same. A reference in this regard may be made to a judgment of a Co-ordinate Bench of this Court passed in CWP-15867-2001 titled as “**J.S. Cheema Vs. The State of Haryana and others**”, decided on 20.11.2013. The relevant portion of the same is reproduced as under:-

“In my opinion, even if the assertion made in the written statement is presumed to be correct it would not



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disentitle the petitioner for claiming interest. 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 laying 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.”

5. Therefore, in view of the aforesaid facts and circumstances and in the light of the aforesaid judgment, this Court is of the view that the petitioner is entitled for grant of interest on the delayed payment of retiral benefits. Consequently, the present petition is partly allowed. The respondents are directed to pay interest @6% per annum (simple) on the delayed payment of retiral benefits to the petitioner within a period of 3 months from today and in case, the aforesaid payment of interest is not made to the petitioner within the aforesaid period, then he shall be entitled to future interest @ 9% per annum (simple) instead of 6% per annum (simple).

6. However, no order as to costs.

27.08.2024*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |