



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

222

CWP-30980-2019

Date of decision :04.12.2024

Nirmal Singh

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Manoj Kumar, Advocate for
Mr. Yash Gupta, Advocate
for the petitioner.

Mr. Surya Kumar, A.A.G. Punjab
for respondents No.1 and 2.

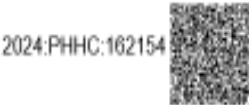
Ms. Neha Randhawa, Advocate for
Mr. Parambir Singh, Advocate for respondent No.3.

Mr. Ajit Singh, Advocate for
Mr. Nitin Kaushal, Advocate for respondent No.4.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of certiorari, for quashing the order dated 18.04.2017 (Annexure P -5), whereby the respondents have wrongly withheld the gratuity of the petitioner and pensionary benefits; further prayer has been made to direct respondents to release the retiral benefits accrued to the petitioner on his retirement like gratuity after fixation of pay, pending salary, regular pensionary benefits etc. along with interest @ 18% per annum.

2. Learned counsel for the petitioner submits that the only claim, which survives in the present petition is with regard to the interest on the



gratuity amount. He submits that the petitioner retired from service on attaining the age of superannuation on 31.07.2012 and his gratuity was withheld on account of registration of FIR and thereafter, the petitioner was acquitted in the said FIR, vide judgment/order dated 24.07.2014, and thereafter, gratuity amount of Rs.6,45,992/- has been released to the petitioner on 24.02.2023 but, however, no interest has been paid. He further submits that the co-accused of the petitioner, namely, Mohan Lal, who was working as Assistant Town Planner had also approached this Court by filing **CWP-9405-2016** titled as '**Mohan Lal versus State of Punjab and others**' claiming similar relief and the said writ petition has been allowed by this Court vide judgment dated 21.08.2024 and he has been held entitled for grant of 6% interest per annum on the delayed payment of retiral dues and has been granted the interest from the date of acquittal i.e. 24.07.2014. The said factual position has not been disputed by the learned counsel for the respondents.

3. In view of the above, the present petition is partly allowed in view of the reasoning recorded in the judgment dated 21.08.2024, passed in CWP-9405-2016, and the petitioner is held entitled for grant of 6% interest on gratuity amount of Rs.6,45,992/-, w.e.f. 24.07.2014 till the date of actual payment.

4. Let the necessary calculations be made and the said benefit be released to the petitioner, within a period of 03 months from the date of receipt of certified copy of this judgment.

(NAMIT KUMAR)
JUDGE

04.12.2024
Nisha-I

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