

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

235

CWP-17516-2021

Date of Decision :30.01.2024

Umesh Kumar

...Petitioner

**Versus**

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Akshay Kumar Jindal, Advocate for the petitioner.

Mr. Pankaj Middha, Addl. A.G. Haryana.

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**Harsimran Singh Sethi, J. (Oral)**

1. In the present petition, claim of the petitioner is for the grant of interest on the delayed release of the pensionary benefits by the respondents.
2. Learned counsel for the petitioner submits that the petitioner has retired on attaining the age of superannuation on 31.12.2017 and at the relevant time, there were disciplinary proceedings pending against him due to which, certain pensionary benefits were withheld by the respondents.
3. Learned counsel for the petitioner argues that the said disciplinary proceedings were dropped by the respondents vide order dated 09.04.2019 (Annexure P-3) and the suspension period from 23.02.2017 till 23.11.2017 was treated as duty period and thereafter, leave encashment was released to the petitioner on 20.02.2021 and the arrears of the suspension period were paid to the petitioner on 23.03.2022. Learned counsel for the petitioner further argues that once the disciplinary proceedings pending against the petitioner were dropped by the respondents merely, issuance of a charge sheet cannot cause prejudice to the petitioner keeping in view the

settled principle of law settled by the Division Bench of this Court in **LPA-314-2023 titled as State of Punjab and another vs. Harbhajan Singh, decided on 16.01.2024** wherein, it has been held that where the disciplinary proceedings were dropped by the department, employee concerned is entitled for the grant of interest hence, the respondents are under an obligation to grant the benefit of interest to the petitioner from the date the petitioner retired from service i.e. 31.12.2017 and not from the date the disciplinary proceedings were dropped by the respondents.

4. Learned counsel for the respondents has not been able to rebut the fact that the claim of the petitioner is covered by the judgment of the Division Bench of this Court in **Harbhajan Singh (supra)** but submits that though, it is a matter of fact that on the date when the petitioner retired from service, disciplinary proceedings were pending against him due to which, certain benefits were withheld by the respondents and the said disciplinary proceedings were dropped in the year 2019 and as the withheld benefits were released to the petitioner starting from year 2019, no grievance can be raised by the petitioner.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Once the allegations alleged against the petitioner were not proved during disciplinary proceedings and the same were dropped by the respondent-department hence, no prejudice can be caused to the petitioner on the ground that the said disciplinary proceedings were initiated against the petitioner. In the present case, petitioner was entitled for the pensionary benefits within a period of two months from the date of his retirement but the same were withheld by the respondents due to the pendency of the

disciplinary proceedings, which disciplinary proceedings were dropped by the respondents on 09.04.2019 and period of suspension was also treated as duty period. That being the factual position, the petitioner is entitled for the grant of benefit of interest on the delayed release of the pensionary benefits from date the petitioner retired from service and not from the date the respondents dropped the disciplinary proceedings.

7. Hence, keeping in view the facts and circumstances noticed hereinbefore coupled with the settled principle of law, the petitioner is held entitled for the benefit of interest @ 6% per annum from 01.01.2018 till the actual payment was made to him. It is directed that while calculating the amount to be paid to the petitioner under the present order, the amount/interest already paid to the petitioner be adjusted.

8. Let the present order be complied with within a period of two months from the date of receipt of copy of this order.

**January 30, 2024**

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**(HARSIMRAN SINGH SETHI)**

**JUDGE**

*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*