



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

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CWP-23575-2018 (O&M)
Date of decision: 21.05.2024

Dr. Rohtash Mittal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Karan Singla, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY. J (Oral)

1. The prayer made in the present petition is for directing the respondents for clearance of probation of the petitioner and grant him regular annual increments along with all consequential benefits.
2. Learned counsel would submit that the petitioner was appointed on contract basis as Rural Veterinary officer in the year 2006 and his services were regularized vide order dated 25.04.2011 as a Veterinary Doctor. In 2012, an FIR was registered against him and he was placed under suspension vide order dated 09.01.2013, Annexure P-2, but reinstated in service on 14.02.2013. Subsequently, he was acquitted, vide judgment dated 07.12.2015 passed by learned Additional Sessions Judge, Patiala. The period of suspension was treated to be on duty, vide order dated 31.10.2017, Annexure P-7, which was affirmed by respondent No.1 on



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13.02.2018. However, no decision was made with regard to clearance of probation period, grant of annual increments and ACP. This led to the filing of the present petition in the year 2018, pending which, his probation period was mentioned as successfully completed from the date of passing of departmental exam on 30.10.2014, in the order dated 29.08.2022, Annexure R-1, appended to the short reply filed by Dr. Bikaramjit Singh, Deputy Director. Learned counsel further submits that the increments w.e.f. 2013 to 2021 were paid on 22.07.2022, while one that was due from 01.05.2013 to 03.07.2014 on 20.05.2024 and the benefit of ACP, which was due in the year 2015 on completion of 4 years, was granted on 07.11.2022, so was for 9 years, on even date. However, interest has not been paid on the said amounts.

3. Learned State counsel, on the other hand, while referring to the written statement, has not been able to justify the reasons of delay in releasing the due benefits to the petitioner.

4. Heard.

5. A beneficial reference can be made to **S.K. Dua vs. State of Haryana**¹, wherein, the retiral benefits of the appellant, who had rendered 37 years of service, which were withheld due to pending disciplinary proceedings, were released after four years of his exoneration, but sans the interest on the ground of there being no provision for granting the same. Hon'ble the Supreme Court, while granting interest, observed that, "In the circumstances, prima facie, we are of the view that the grievance voiced by the appellant appears to be well founded that he would be entitled to interest on such benefits. If there are statutory



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rules occupying the field, the appellant could claim payment of interest relying on such rules. If there are administrative instructions, guidelines or norms prescribed for the purpose, the appellant may claim benefit of interest on that basis. But even in absence of statutory rules, administrative instructions or guidelines, an employee can claim interest under Part III of the Constitution relying on Articles 14, 19 and 21 of the Constitution. The submission of the learned counsel for the appellant, that retiral benefits are not in the nature of “bounty” is, in our opinion, well founded and needs no authority in support thereof. In that view of the matter, in our considered opinion, the High Court was not right in dismissing the petition in limine even without issuing notice to the respondents.”

6. In **Swinder Kumar vs. State of Punjab and others**, CWP-14093-2016, decided on 08.05.2019, this Court had allowed the interest on the delayed payment of retiral benefits to the petitioner therein, who retired on 31.08.2015, against whom, a charge sheet issued on 20.07.2015, however, the allegations having not been substantiated, was dropped and it was held that the pendency of the charge-sheet could not be made a foundation to deny the benefits of interest, as the same would cause prejudice to him, without any fault on his part.

7. In the instant matter, increments were not granted to the petitioner on the ground of pending criminal proceedings, however once he stood acquitted and there was no impediment in the release thereof, entitles him to interest, that is not penal in nature, but compensatory, he being deprived of the amounts.

8. In the wake of the peculiar facts and circumstances of the case, this Court finds that ends of justice would be served by directing to pay an interest @



6% per annum from the date the respective amounts fell due till they were released.

9. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

21.05.2024
Hemant

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