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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26861-2017(O&M)
Date of decision: 14.10.2024

Balwant Raj

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Suresh Kumar, Advocate, for the petitioner.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

Mr. V.K. Kaushal, Advocate, for respondents No.2 and 3.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to release the retiral dues to the petitioner as per his equitable entitlement keeping in view Rule 4.3 of Punjab Civil Services Rules.

2. At the outset, learned counsel appearing on behalf of respondent-Nigam submitted that in pursuance of the orders passed by this Court on 10.01.2024, a specific affidavit has been filed by the respondent-Nigam wherein details have been mentioned as to what gratuity amount was given to the petitioner at the time of his retirement and thereafter on counting of his Indian Air Force Emergency Service, the amount was revised and thereafter revised



pension, gratuity and other benefits have been granted. He submitted that in fact when the petitioner was deputed during emergency period, he was required to deposit the gratuity alongwith interest but despite repeated reminders he did not deposit the aforesaid gratuity amount alongwith interest and during the pendency of the present petition, he deposited the gratuity amount alongwith interest and now the entire amount has been paid to the petitioner. He submitted that so far as the grant of interest on the aforesaid revised benefits is concerned, the petitioner is not entitled in view of the fact that when the petitioner deposited the amount of gratuity to the tune of Rs. 1,63,125/-, he has been paid the revised gratuity and the pensionary benefits within a period of 2½ months and therefore, he is not entitled for the interest on the same.

3. Learned counsel for the petitioner has submitted that since the respondent-Nigam has made a delay in the counting of the aforesaid service benefits, he is entitled for the interest on the aforesaid delayed payments as well.

4. After hearing the learned counsel for the parties, this Court is of the considered view that as per the affidavit filed by the respondent-Nigam dated 22.05.2024, the petitioner has been granted the benefit of the revised gratuity and other benefits after counting his Indian Air Force Emergency Service during the pendency of the present petition. So far as the delay aspect is concerned, the aforesaid benefit was to be granted after the petitioner had deposited the amount of gratuity alongwith interest for the service rendered by him in the defence services but he did not deposit the same within time despite reminders being given to the petitioner and learned counsel for the respondent-Nigam has also relied upon Annexure R-2 in this regard. Therefore, this Court is of the considered view that the petitioner is not entitled for the grant of

interest because after the deposit of DCRG amounting to Rs. 1,63,125/-, he has been given the revised gratuity and other benefits within a period of 2 ½ months. Since the entire amount has now been paid to the petitioner, nothing would survive in the present petition and the same is hereby disposed of as having become infructuous.

(JASGURPREET SINGH PURI)
JUDGE

14.10.2024
rakesh

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