



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CWP No.24088 of 2021
Date of decision: 16.12.2024

Devi Lal

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sunil K. Nehra, Advocate
for the petitioner.

Mr. Ravi Dutt Sharma, DAG, Haryana.

NAMIT KUMAR J. (Oral)

1. The present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India, seeking a writ of mandamus, directing the respondents to release the pensionary benefits to the petitioner i.e. pension, leave encashment, gratuity, etc. along with interest. Further a writ of certiorari has been sought for quashing the impugned communication dated 23.02.2021 (Annexure P-4), issued by respondent No.2 to respondent No.3, vide which case of the petitioner has not been sent for release of full pension, gratuity and commutation.
2. On the last date of hearing i.e. 04.12.2024, the following order was passed:-

Learned State counsel submits that the petitioner retired from service on attaining the age of superannuation on 31.08.2020 and the charge-sheet which was pending against the petitioner was dropped on 15.06.2021 and



thereafter, he was paid the gratuity amount of Rs.20,00,000/- on 22.06.2023 and during the pendency of the present petition interest of Rs.1,93,840/- has been sanctioned on the gratuity amount vide memo dated 29.11.2024 and the payment of the same shall be released within a period of two weeks from today.

The said amount of interest has been disputed by learned counsel for the petitioner.

Faced with this situation, learned State counsel seeks an adjournment to get instructions as to from which date the interest has been calculated.

Adjourned to 16.12.2024.

To be taken up immediately urgent cases.

3. Learned State counsel has produced a copy of the memo dated 11.12.2024, issued by the office of Engineer-in-Chief, Haryana, Public Health Engineering Department, Haryana. While referring to the said communication, learned State counsel submits that the petitioner has been granted the interest on gratuity amount of Rs.20.00 lacs from 08.02.2022 to 22.06.2023, @ 7.10% per annum, which is applicable to the GPF payments and has relied upon Rule 79(6)(ii) of the Haryana Civil Services (Pension) Rules, 2016, to justify the grant of interest only from 08.02.2022 to till the date of payment i.e. 22.06.2023. Rule 79(6)(ii), reads as under:-

"ii. he is held guilty, partially or fully, of the charges leveled against him, or the same are dropped on account of lack of evidence, i.e. he is not proved innocent, or disciplinary proceedings are dropped only on the grounds that the Government employee has retired, no interest shall be payable on the pension and death-cum-retirement



gratuity if the same have been authorized within three months from the date of final decision on the disciplinary proceedings. In case of delay, interest shall be regulated as per provision laid down in sub-rule (1) for the delayed period i.e. as per rate applicable on GPF for the relevant period."

4. In the said communication, a reference has also been made to the charge-sheets issued to the petitioner, which reads as follows:-

(ii) A Charge sheet under Rule-8 was pending against the petitioner issued vide Govt. memo No. 4/95/2015-PH-1, dated 23.01.2019 while he was posted as Executive Engineer at PHE No.1, Narnaul from 13.03.2010 to 25.08.2019.

The said charge sheet under rule-8 against the petitioner was dropped by the Govt. vide order endst. No.4/95/2015-PH-1 dated 15.06.2021 by taking a lenient/sympathetic view and as no minor punishment cannot be imposed upon him at this stage being a retiree.

(iii) Another draft charge sheet under rule 7 in enquiry No.2 dated 15.06.2018 was also pending against the petitioner.

The said draft charge sheet under Rule 7 has been considered by the Govt. i.e. respondent No.2 vide memo No.4/46/2018-PH-1 dated 08.02.2022 has decided and filed the same.

(iv) During the service period of Sh. Devi Lal, a Laptop was issued to him. But he has deposited the said laptop to the Department on 26.05.2023 ie. approximately after 03 years of his retirement with the caretaker in the O/o EIC, Public Health Engineering Department.



5. From the perusal of the reproduction made above, it is clear that charge-sheet dated 23.01.2019, issued to the petitioner under Rule 8 (For Minor Punishment) was pending against the petitioner and was dropped by the Government vide order dated 15.06.2021. Another draft charge-sheet, under Rule 7, was dropped by the Government vide order dated 08.02.2022.

6. Once the charge-sheet dated 23.01.2019, issued under Rule 8, was dropped by the Government on 15.06.2021, and even if the draft charge-sheet which was proposed to be issued under Rule 7 was dropped on 08.02.2022, the petitioner cannot be denied the benefit of interest from the date of retirement as there is no punishment awarded to the petitioner, therefore, he is held entitled for the grant of interest from 01.11.2020 (after two months from the date of his retirement) for the gratuity amount of Rs.20.00 lacs at the rate applicable to the GPF amount, as has already been granted by the respondent – State from 08.02.2022 to 22.06.2023. Let the petitioner be paid interest at the same rate of interest from 01.11.2020 to 07.02.2022, within a period of three months, from the date of receipt of certified copy of this order.

7. Disposed of in the above terms.

(NAMIT KUMAR)
JUDGE

16.12.2024
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No