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

(256) **CWP No. 24583 of 2022**
Date of Decision : 16.05.2024

Jai Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Kumar Daaria, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, D.A.G., Haryana.

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Harsimran Singh Sethi J. (Oral)

1. In the present petition, the claim of the petitioner is for the grant of interest on the delayed release of the pensionary benefits.

2. Learned counsel for the petitioner argues that the petitioner retired on attaining the age of superannuation on 31.01.2018 after which, a sum of ₹5,43,900/- was sanctioned to be paid on account of leave encashment. Learned counsel for the petitioner submits that the gratuity amount for which the petitioner became entitled for was also not released to him on the ground that there was a charge-sheet pending against him with regard to the shortage of 251 trees in Kansala Beat, Rohtak Division.

3. It has further come on record that on 30.08.2017, prior to the retirement of the petitioner, a recovery of ₹2,00,941/- was imposed upon

the petitioner, which was pending at the time when the petitioner retired from service. Keeping in view the said recovery, the pensionary benefits of the petitioner were stopped. Ultimately, the recovery of ₹2,00,941/- was reduced to ₹23,747/-, which the petitioner did not deposit. As the petitioner did not deposit the amount of recovery, his pensionary benefits were not released to him and ultimately, on the deposit of the said amount of recovery, the pensionary benefits of the petitioner were released by the respondents. The claim of the petitioner is that as the pensionary benefits have been released to him after a delay, the petitioner is entitled for interest on the said amount.

4. Learned counsel for the respondents, on the other hand, submits that there was a recovery pending at the time of the retirement of the petitioner amounting to over ₹2 lacs, which though after the retirement was reduced to ₹23,747/- but the petitioner failed to deposit the said amount.

5. Learned counsel for the respondents further submits that after the retirement of the petitioner in respect of another enquiry, a recovery of ₹27,265/- was also imposed, hence, the petitioner was liable to deposit a total sum of ₹63,325/- which the petitioner failed to deposit and ultimately, the said amount was deducted and the remaining amount admissible out of the pensionary benefits were released to the petitioner, hence, the delay occurred in the release of the pensionary benefits was

only attributable to the petitioner as he failed to deposit the amount for which he was held liable.

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

7. Once, at the time of the retirement, there were disciplinary proceedings pending against the petitioner and in those disciplinary proceedings, the petitioner was imposed recovery to the tune of ₹63,325/-, till the petitioner deposit the said amount, the pensionary benefits could not have been released to him, hence, when the said amount was deposited, the pensionary benefits have been released by the respondents and hence, it cannot be said that the delay in release of the pensionary benefits was attributable to the respondents. Rather, the petitioner should have deposited the recovery amount immediately so as to get the pensionary benefits or should have given the right to the respondents to deduct the amount from the pensionary benefits.

8. In the absence of any such option availed, no ground is made out for grant of interest in the delayed release of the pensionary benefits as the delay is attributable to the petitioner only and not the department.

9. Dismissed.

May 16, 2024 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

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