



CWP-8061-1999 :1:

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

101

**CWP-8061-1999 (O&M)
Date of decision : 27.02.2025**

CHATTAR SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB AND ORS.

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Varun Baanth, Advocate for
Mr. A. K. Jain, Advocate
for the petitioner.

Mr. T. P. S. Chawla, Senior DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that revision of pay scale of Rs.14,300-18150 w.e.f. 01.01.1996 on the ground that same has been given to all other similarly situated employees but has not been given to him and further, that the petitioner has already retired from his service upon attaining the age of superannuation on 31.12.1997 but still, his gratuity has not been released on the ground that there was a criminal case pending against him.

2. Learned counsel for the petitioner submits that the petitioner has been acquitted in the said criminal case by the Competent Court of law on 10.07.2006 whereas the benefit of DCRG (Death-cum-Retirement Gratuity) was released on 14.08.2008 hence, the petitioner is entitled for interest on



CWP-8061-1999 :2:

the said amount of gratuity starting from 01.08.2006 onwards, till the amount of gratuity was actually released to him.

3. Learned counsel for the respondents submits that the pay scale which is being demanded by the petitioner has not been given to anyone, but in case, the petitioner is adamant of the view that the same has been extended to some other employee similarly situated to that of petitioner, and in case any such representation made by the petitioner citing the examples of such employees therein, then the claim of the petitioner will be considered and appropriate order on the same will be passed within a period of 08 weeks of the receipt of any such order passed by this Court passed by this Court.

4. With regard to the payment of gratuity, learned counsel for respondents submits that after the petitioner was acquitted in the criminal case against him by the Competent Court of law, the gratuity due to the petitioner has already been released to him and therefore, no further payment is liable to be made to the petitioner by respondent.

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

6. With regard to the claim of the petitioner regarding particular pay scale which according to him is being paid to other similarly situated employees, but not to him as has been noticed hereinbefore, the petitioner in this regard is given liberty to file appropriate representation with the respondents and in case any such representation is filed, the same be decided in accordance with law as per the undertaking recorded hereinbefore.

7. With regard to the grant of benefit of DCRG, it should be noted that the same has already been released by the respondents on 14.08.2008.



CWP-8061-1999 :3:

The question which arises for consideration before this Court is that whether the respondent department had any power or jurisdiction to retain the said amount even after the petitioner was acquitted in July 2006. The respondents were bound to release the said amount within a period of one month as there exist no other impediment to release the said amount within the said period but the same was released after a period of more than 2 years even after the acquittal.

8. As far the claim of the petitioner regarding interest on the delayed payment of gratuity amount, a Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, had held that any amount which has been delayed by the respondents and used to their benefits, the employee is entitled for interest. The relevant paragraph of **J.S. Cheema's case (supra)** is as under: -

“The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is lying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”

9. Keeping in view the above, on the gratuity amount released to the petitioner on 14.08.2008, the same will also carry interest at the rate of 6% per annum from 01.08.2006 onwards till the actual payment of the same.

Let the said amount of interest be released to the petitioner within a period of



CWP-8061-1999 :4:

8 weeks of the receipt of copy of this order.

- 10. Disposed of with the above said observations.
- 11. Pending applications, if any, also stand disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

27.02.2025
Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No