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

CWP-16116-2020

Date of decision: 09.09.2025

Darbara Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Nitish Bansal, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Sanjeev Soni, Advocate and
Mr. Tara Dutt, Advocate
for respondents No.2 to 4.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing respondents No.2 & 3 to release the retiral benefits i.e. gratuity along with interest @ 18% per annum.

2. Learned counsel for the petitioner submits that admittedly, at the time of the retirement, there was no pending charge sheet against the petitioner nor any criminal case was pending against him, as such, withholding of the gratuity or other retiral benefits is contrary to the settled law. The case of the petitioner is squarely covered by the judgment of this Court in CWP No.1799 of 2022 titled as 'Anil Kumar Aggarwal Vs. State of Haryana and others' decided on 17.10.2022. Further, even a vigilance inquiry was initiated post retirement but the said proceedings can not be taken into account as the same are neither departmental nor criminal, hence the respondents do not have any



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jurisdiction to withhold the pensionary benefits keeping in view the said vigilance proceedings. Further, the vigilance proceedings as referred to by the respondents in their written statement, stayed by this Court.

3. Learned counsel for respondents No.2 & 3 has gone through the judgment referred above which has been handed over to him in the Court today itself and could not controvert the observations made by the Coordinate Bench of this Court in paras No.3 & 4 and submits that the case of the petitioner would be examined in the light of **Anil Kumar Aggarwal's case (supra)** and the gratuity would be released.

4. Having heard learned counsel for the parties and after going through the record with their able assistance, this Court finds that the gratuity of the petitioner has been withheld by the respondents without there being any valid impediment and till date it has not been released. In view of the delay, it is solely attributable to the respondents that the petitioner is entitled to interest @ 6% per annum due till date. The case of the petitioner is squarely covered by the judgment of this Court in **Anil Kumar Aggarwal (supra)** even on facts, which made the following observation:-

'3. Learned counsel for the petitioner submits that there is a vigilance enquiry, which has been listed by the Vigilance Department, Haryana but the said proceedings cannot be taken into account as the same are neither departmental nor criminal, hence the respondents does not have any jurisdiction to withhold the pensionary benefits keeping in view the said vigilance proceedings.

4. Learned counsel for the respondents concedes the fact that the petitioner retired on attaining the age of superannuation on 30.04.2021 and there were no departmental or criminal proceedings pending against the petitioner at the time of retirement and even thereafter, learned counsel by placing reliance upon the reply filed in the Court submits that as vigilance enquiry is pending against the petitioner, the same is good enough for withholding the pensionary benefits of the petitioner.



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

6. *The respondents have already released leave encashment of the petitioner. In case, any proceedings departmental or criminal are pending against an employee, leave encashment cannot be released and once the respondents themselves have released leave encashment admissible to the petitioner, it can be safely said that there are no proceedings pending against the petitioner so as to give jurisdiction to the respondents to withhold the pensionary benefits.*

7. *Keeping in view the above, the respondents are directed to release all the pensionary benefits of the petitioner, which have been withheld within a period of two months from the date of receipt of a certified copy of this order.*

8. *Learned counsel for the petitioner argues that as the pensionary benefits of the petitioner were withheld by the respondents without their being any valid impediment and they were released after a period of two months of his retirement, the petitioner becomes entitled for the grant of interest. '*

5. In view of the discussion above, the present writ petition is allowed as there was no valid impediment in the release of the pensionary benefits of the petitioner, keeping in view the law stated, the petitioner becomes entitled for the grant of interest on the delayed release of the pensionary benefits as well as the petitioner will also be entitled for the interest @ 6% per annum on the retiral benefits till the date payments were released. Let the said interest be also released within a period of two months from the date of receipt of a certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

09.09.2025

Neha

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