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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:172470-DB



CM-2575-LPA-2023 in/and
LPA-1007-2023 (O&M)
Date of Decision: 10.12.2025

State of Haryana and others

...Appellants

Vs.

Anil Kumar Aggarwal

...Respondent

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Nitin Kaushal, Addl. AG, Haryana for the appellants.

Mr. Ankiet Aggarwal, Advocate for the respondent.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-2575-LPA-2023

Delay of 134 days in filing the appeal has been satisfactorily explained.

Accordingly, the application is allowed and delay of 134 days in filing the appeal is condoned.

LPA-1007-2023 (O&M)

1. This appeal is by the State of Haryana assailing the judgment of the learned Single Judge dated 17.10.2022, in CWP-1799-2022, whereby a direction has been issued to release the pensionary benefits of the respondent – writ petitioner along with 6% interest per annum.

2. The only ground to assail the judgment of the learned Single Judge is that a vigilance inquiry is pending against the respondent.

3. It is undisputed that the respondent/petitioner superannuated on 30.04.2021. On the date of his superannuation, neither any disciplinary inquiry nor any judicial proceedings were pending against him. A period of more than four years has expired since then and even as on date the vigilance inquiry has not been finally concluded.

4. What is informed to us, is that the vigilance inquiry has been concluded and the report in that regard is submitted to the Government of Haryana. However, the said report has not been accepted so far.

5. It is the case of the private respondent that the report has been submitted after the judgment was delivered by the learned Single Judge. On the date of decision of writ even the report was not submitted in the matter.

6. Though various submissions are made but we are not inclined to interfere in the matter as it transpires that apart from the respondent, two other IAS officers were also indicted in the vigilance inquiry. Though recommendation is made against those IAS officers also, but they have been sanctioned and released the entire retiral benefits. It is only because the respondent was an officer of the State of Haryana that part of his retiral benefits has been withheld.

7. Persons who are accused of similar commissions and omissions, cannot be discriminated in this fashion. The respondent was merely a member of Departmental Litigation Committee which apart from the respondent, consisted of two IAS Officers. The respondent at that point of time was posted as District Attorney. The other member of the Committee who belonged to IAS cadre have released entire pensionary benefits but a

discriminatory treatment is offered to the respondent. Even the Rules permit withholding of retiral benefits where disciplinary proceedings or judicial proceedings were pending. None of the two exigency arises in the facts of this case.

8. Mere pendency of vigilance proceedings cannot be allowed indefinitely to withhold the retiral benefits of a government servant when no disciplinary inquiry was ever initiated or conducted against him. No judicial proceedings are pending otherwise.

9. In that view of the matter, we are not persuaded to interfere with the judgment of the learned Single Judge wherein direction issued is to release the retiral benefits along with 6% interest per annum. The appeal lacks merit and same is accordingly dismissed.

10. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

10.12.2025
rajesh

1. Whether speaking/reasoned?

:

Yes/No
2. Whether reportable?

:

Yes/No