



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

(211) CWP NO.30256-2019(O&M)

DATE OF DECISION: 25.04.2025

Ranbir Singh Rathni

.....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present Mr. Manoj Sharma, Advocate,
for Mr.Sumit Gupta, Advocate, for the petitioner.

Mr.Tapan Kumar, DAG, Haryana.

Ms. Anmol Preet Kaur, Advocate,
for respondent no.2.

VINOD S. BHARDWAJ, J (ORAL)

1. The instant petition has been filed praying for direction to the respondents to pay interest @ 18% per annum on the delayed payment of pensionary benefits which were allegedly withheld wrongly and were released after a gap of five years.

2. Counsel for the petitioner contends that the petitioner was appointed as a Junior Engineer on 09.07.1971 and he superannuated on 31.05.2009. It is submitted that disciplinary proceedings were initiated against the petitioner under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 but was exonerated from the charges. He thereafter made a representation dated 15.01.2014 for seeking revised pension along with all pensionary benefits which were withheld illegally, on account of the pending inquiry. The respondents however paid no heed to the prayer of the petitioner. He thus approached this Court by filing CWP



No. 2569-2014 seeking redressal of his grievance. The aforesaid writ petition was disposed of with a direction to respondent no.3 to decide the claim of the petitioner for retiral benefits and release the same (if found entitled) within a period of two months.

3. Accordingly, in compliance of the order of this Court, respondent no.3 passed the order dated 18.03.2014 whereby a “recorded warning” was ordered against the petitioner. Thereafter, an order dated 07.11.2014 was also passed by the respondents denying the interest claim and hence rejecting the representation of the petitioner.

4. Aggrieved of the order dated 07.11.2014, passed by respondent no.3 whereby claim of the petitioner made vide representation dated 04.06.2014 for grant of interest @ 18% per annum on delayed payment of pensionary benefit was rejected, the petitioner filed CWP No.25994 of 2014. However, the said writ petition was withdrawn since no challenge was raised by the petitioner to the order dated 18.03.2014 vide which punishment of “recorded warning” was imposed. Liberty was granted to the petitioner to challenge the order dated 18.03.2014. The petitioner thereafter filed an appeal before the competent authority and the same was allowed vide order dated 16.05.2018, the order dated 18.03.2014 was set aside and an interest of 4% per annum was granted to the petitioner of the delayed payment of pensionary benefits. Dis-satisfied with interest awarded, present writ petition has been filed.

5. Be that as it may, the issue came up for hearing before this Court on 18.10.2019 and the contention of petitioner recorded by this Court are as under:-



“Learned counsel for the petitioner argues that respondents themselves have admitted in the impugned order dated 16.05.2018 (Annexure P/1) that the charge sheet, which was issued to the petitioner and was pending at the time of retirement, was dropped since no charges were proved against the petitioner but only interest @ 4% has been granted, which is on the lower side and even the said interest has not been paid to the petitioner so far.”

6. Referring to the above, learned counsel for the petitioner contends that the respondents have themselves held the petitioner entitled to claim interest @ 4% per annum, on the delayed release of pensionary benefit, which is on the lower side.

7. Learned counsel for the respondents *prima facie* opposes the prayer made by the petitioner, however, he is not in a position to dispute that vide order dated 16.05.2018, it is specifically noticed by the respondents themselves that the order of punishment dated 18.03.2014 imposed upon the petitioner by the Engineer in Chief was illogical and that he was not impugned in the report of the Inquiry Officer. Hence, the order of punishment dated 18.03.2014 was set aside and the proceedings were dropped since none of the charges against the petitioner were established.

8. Undisputedly, the award of interest was also granted by the respondents and no challenge has been raised to the said order. The order on interest at the rate of 4% is undeniably on the lower side.

9. The present petition is partly allowed. Rate of interest is enhanced from 4% per annum to 8% per annum on the delayed payment of pensionary benefits which were withheld by the respondents and released after a gap of five years.



10. Accordingly, respondent no.3 is directed to recalculate the interest amount and release the same to the petitioner within a period of 02 months of receipt of certified copy of this order.

25.04.2025
mamta

(VINOD S. BHARDWAJ)
JUDGE

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