



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

138

LPA-2428-2025

Date of Decision : **August 20, 2025**

SURESH KUMAR SHARMA

.....Appellant

***VERSUS***

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present : Mr. Dhiraj Chawla, Advocate for the appellant.

Mr. Puneet Gupta, Addl. AG, Haryana.

\*\*\*\*

**ASHWANI KUMAR MISHRA, J. (Oral)**

1. The appellant is aggrieved of the order passed by the learned Single Judge dated 25.07.2025 in CWP No.15069-2019, to the extent that the interest on the delayed release of gratuity has been restricted from the date of filing of the writ petition.
2. Undisputed facts of the case are that while the appellant was working in the Police Department, an FIR came to be lodged against him on 13.10.2002. The appellant attained the age of superannuation on 31.03.2004. Criminal proceedings initiated against the appellant ultimately led to his conviction by the Court of Sessions on 02.11.2013. The conviction by the trial Court was challenged before this Court in Criminal Appeal which came to be allowed on 17.10.2018. The conviction was then reversed and the appellant was acquitted of the charges levelled against him. It is thereafter

that the appellant pressed his demand for release of gratuity and pension. The learned Single Judge has come to the conclusion that after the acquittal of appellant in criminal proceedings, he is entitled to release of gratuity and pension/family pension. However, the payment of interest has been restricted only from the date of filing of the writ petition. The observations made by the learned Single Judge, in that regard, as contained in para No.18 of the judgment are reproduced as under:-

*“18. The respondent is directed to release gratuity and regularize pension/family pension within three months from today. The respondent withheld gratuity on account of pending criminal proceedings. In view of findings recorded hereinabove, the respondent was bound to release gratuity on the death of employee especially in the light of the fact that before death he had already earned acquittal. The petitioner claimed gratuity after acquittal, therefore, it appears that he was also of the opinion that gratuity is payable after acquittal. Interest is compensatory in nature. The State has utilized dues of the petitioner. In these circumstances, it would be just, equitable and reasonable if respondent is burdened with interest @ 7.5% per annum from the date of filing petition before this court to date of payment. Ordered accordingly. If the respondent fails to pay amount of gratuity within aforesaid period along with interest, it would be liable to pay additional interest @ 2.5% p.a. from the date of retirement to date of payment.”*

3. The learned counsel for the appellant submits that the entitlement to receive interest on deferred gratuity is from the date when the gratuity became payable and the same cannot be restricted only to the date of filing of the writ petition. For such purposes, reliance is placed on the judgment of the Supreme Court in **Y.K.Singla Vs. Punjab National Bank and others**, 2013(3) SCC 472.

4. The facts as have been noticed above are not in dispute.
5. The learned State counsel although has opposed the appeal but has not been able to show that the entitlement of appellant to receive gratuity would not emanate from the date of retirement and that interest on such deferred payment could be restricted only from the date of filing of the writ petition.
6. Although an SLP has been filed against the order of acquittal but it remains undisputed that the main accused in the criminal case has already died. The appellant has also died and, therefore, mere pendency of appeal before the Supreme Court may not be of much relevance, otherwise.
7. In that view of the matter, we allow the present Letters Patent Appeal and modify the judgment of the learned Single Judge dated 25.07.2025 by providing that the appellant shall be entitled to interest on the deferred amount of gratuity from the date when it fell due till its payment as per the rate fixed by the State under Administrative instructions or in its absence in terms of the rate fixed under the Payment of Gratuity Act, 1972.
8. Appeal is accordingly allowed to the aforesaid extent.

**(ASHWANI KUMAR MISHRA)**  
**JUDGE**

**(ROHIT KAPOOR)**  
**JUDGE**

**August 20, 2025**  
*ajaysharma*

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No