



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-997-2024 (O&M)

State of Haryana & ors.

.....Appellants

vs.

Ran Singh

.....Respondent

Date of Reserve: 20.01.2026

Date of Pronouncement: 26.02.2026

Uploaded on:- 27.02.2026

Whether only the operative part of the judgment is pronounced? No
Whether full judgment is pronounced? Yes

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Harish Nain, AAG, Haryana

Mr. V.P. Sangwan, Advocate
for the respondent.

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 08.05.2023 passed by learned Addl. District Judge, Bhiwani whereby the appeal filed by respondent/plaintiff against the judgment and decree dated 26.09.2019 passed by learned Addl. Civil Judge (Sr. Divn) Bhiwani, was decreed in his favour to the effect that he would be entitled interest @ 9% per annum from the date the amount is due till its realization.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per civil suit are that respondent /plaintiff retired as Sub Inspector on 31.01.2015. All the retiral payments were to be paid to the respondent/plaintiff for his retirement which were not paid in time. Hence, he filed civil suit for payment of retiral benefits and for interest @ 18% per annum



for delayed Provident Fund from 01.02.2015 to 30.03.2015 and further on the delayed payment of leave encashment for the period from 01.02.2015 to 09.09.2016. The civil suit filed by him was dismissed, vide judgment and decree dated 26.09.2019 passed by learned Addl. Civil Judge (Sr. Divn) Bhiwani whereas the appeal filed by him against the same was allowed by learned Addl. District Judge, Bhiwani, vide judgment and decree dated 08.05.2023. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for the appellants contends that the learned Addl. District Judge, Bhiwani has wrongly allowed the appeal filed by the respondent, vide its judgment and decree dated 08.05.2023, as the respondent was facing criminal trial in FIR No. 7 dated 16.01.2015 under Sections 7/13 of the Prevention of Corruption Act at P.S. SVB, Hissar. Therefore, certain amount of the respondent was withheld. He further contends that the learned Addl. District Judge, Bhiwani did not appreciate the facts and evidence on record and wrongly allowed the appeal of the respondent. He, therefore, prays that the present Regular second appeal be allowed.

4. Per contra, learned counsel for the respondent contends that learned Addl. District Judge, Bhiwani has rightly allowed the appeal filed by the respondent. He, therefore, prays that the present Regular second appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

6. A perusal of the record shows that admittedly the respondent retired on 31.01.2015. FIR No. 7 dated 16.01.2015 was registered against him under



was registered against him, he retired under suspension on 31.01.2015. The regular departmental enquiry was also ordered vide letter dated 20.01.2015. In the regular departmental enquiry, he was awarded a punishment of 2% cut in pension, vide office order dated 02.01.2017. His appeal against the same was pending at the time of filing of civil suit. His case for pension was sent to the Accountant General (A&E) Haryana, Chandigarh, vide memo No.15728 dated 20.03.2015 for granting provisional pension, since criminal case and departmental proceeding were pending against him. As per provision contained in Rule 9.15 (1) (c) of Punjab CSR Vol.II, Death-cum-Retirement Gratuity and Commutation of pension were not considered, therefore, his application form for grant of commutation of pension was kept pending in the office awaiting the final decision in the criminal case and departmental enquiry. The respondent/plaintiff was acquitted in criminal case, vide judgment dated 08.02.2018. Thereafter, his case for gratuity and commutation was sent to the Accountant General (A&E), Haryana, Chandigarh, vide office memo dated 31.07.2018, after completing all the formalities and the same was approved by Accountant General (A&E), Haryana, Chandigarh, vide office memo dated 06/07.09.2018. Since departmental enquiry and criminal trial were pending, therefore, gratuity and commutation of pension were not to be paid to the Government Employee until the conclusion of the departmental or judicial proceedings as per the provisions of Punjab Civil Service Rules.

7. In the present case, the respondent/plaintiff was facing trial in FIR No. 7 dated 16.01.2015 under Sections 7/13 of the Prevention of Corruption Act registered at P.S. SVB, Hissar. The respondent retired on 31.01.2015 and acquitted on 08.02.2018.

8. Now to decide the question regarding the delay in payment of retiral

benefits, the same is decided as under:-



(1) ***PENSION CASE***

A bare perusal of the record shows that the respondent/plaintiff retired on 31.01.2015 and pension was granted to him on 13.05.2015

There is delay of about 2 months in making payment to the respondent/plaintiff, therefore, he is held entitled to interest @ 9 % per annum for delay of about 2 months in releasing the pension to him.

(2) ***PROVIDENT FUND/GPF***

The payment to the tune of Rs.25,50,432/- towards provident fund was released to the respondent/plaintiff on 30.03.2015.

There is a delay of about 2 months in making payment to the respondent/plaintiff, therefore, he is held entitled to interest @ 9 % per annum for delay of about 2 month in releasing the pension to him.

(2) ***LEAVE ENCASHMENT***

The payment of leave encashment was made to the respondent/plaintiff on 24.08.2016.

There is delay of about 1 year 07 months in making payment to the respondent/plaintiff, therefore, he is held entitled to interest @ 9 % per annum for delay of about 01 year 07 months in releasing the payment of leave encashment to him.

(3) ***GRATUITY AND COMMUTATION***

So far as gratuity and commutation is concerned, the same can be withheld during the pendency of the criminal trial. The respondent/plaintiff was acquitted in criminal case on 08.02.2018. On 08.10.2018, the payment of Gratuity to the tune of Rs.7,53,159/- and payment of commutation to the tune of Rs.4,21,999/- were released to the respondent/plaintiff.



There is delay of about 08 months (w.e.f 08.02.2018 to 08.10.2018) in making payment to the respondent/plaintiff, therefore, he is held entitled to interest @ 9 % per annum for delay of about 08 month in releasing the payment of gratuity and commutation to him.

CONCLUSION

9. Accordingly, the present appeal is ***disposed of*** in the above terms.
10. Parties are left to bear their own costs. Decree sheet be prepared accordingly.
11. Pending application (s) if any also stands disposed of.

(SUDEEPTI SHARMA)
JUDGE

26.02.2026
Gaurav Arora

Whether speaking/reasoned : Yes
Whether reportable : Yes