

CWP-8835-2024

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

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Date of Decision: 13.05.2026

Shailesh Verma

....Petitioner

**VERSUS**

State Of Haryana And Others

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present : Mr. Sudesh Kumar, Advocate  
for the petitioner.

Mr. Padam Kant Divedi, Advocate with  
Ms. Ayushi, Advocate  
for the respondents.

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**HARPREET SINGH BRAR, J. (Oral)**

1. The present petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of *certiorari* for quashing action of the respondents whereby gratuity and commutation has not been released on the grounds of pendency of charge-sheet dated 27.08.2019 (Annexure P-4), which has not been initiated till date and further for issuance of writ in the nature of *mandamus* directing the respondents to release the gratuity and commutation with interest @ 18% till

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the date of realization and further to grant all consequential benefits to the petitioners.

2. Learned counsel for the petitioner, *inter alia*, submits that the petitioner retired on 30.11.2020 and his gratuity and commutation of pension were withheld on the ground that a charge-sheet was served upon the petitioner on 27.08.2019, which was still pending. The charge-sheet culminated into punishment order passed on 24.07.2025, during the pendency of the present petition vide which the punishment of 2% cut in pension for two years were imposed and the gratuity and commutation of pension were released only on 09.10.2025. Further, the disciplinary proceedings were not conducted by following applicable procedure and no Inquiry Officer was appointed and that the petitioner reserves his right to challenge the punishment order dated 24.07.2025.

3. *Per contra*, learned counsel for respondent No.2 submits that a charge-sheet was served on 27.08.2019, which culminated into punishment order passed on 24.07.2025 and petitioner was awarded punishment of 2% cut in pension for two years and after the conclusion of the disciplinary proceedings, the pending retiral dues of the petitioner were released on 09.10.2025 and as such, the petitioner is not entitled to any interest on account of delay.

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4. Having heard the submissions advanced by learned counsel for the parties and upon perusal of the record with their able assistance, it transpires the petitioner retired on 30.11.2020. During his service, a charge-sheet was served on 27.08.2019, which was decided on 24.07.2025 i.e. approximately after six years. The right to have disciplinary proceedings decided in a reasonable time flows from Article 21 of the Constitution of India and prolonged disciplinary proceedings have been deprecated by the constitutional force as a Two Judge Bench of the Hon'ble Supreme Court in ***Prem Nath Bali Versus Registrar, High Court of Delhi and another, 2015*** while speaking through Justice Abhay Manohar Sapre, made the following observations:-

*“31) Time and again, this Court has emphasized that it is the duty of the employer to ensure that the departmental inquiry initiated against the delinquent employee is concluded within the shortest possible time by taking priority measures. In cases where the delinquent is placed under suspension during the pendency of such inquiry then it becomes all the more imperative for the employer to ensure that the inquiry is concluded in the shortest possible time to avoid any inconvenience, loss and prejudice to the rights of the delinquent employee.*

*32) As a matter of experience, we often notice that after completion of the inquiry, the issue involved therein does not come to an end because if the findings of the inquiry proceedings have gone against the delinquent employee, he invariably pursues the issue in Court to*

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*ventilate his grievance, which again consumes time for its final conclusion.*

*33) Keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must make sincere endeavor to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended period depending upon the cause and the nature of inquiry but not more than a year.”*

(emphasis added)

5. Furthermore, reliance can also be placed upon the judgment passed by this Court in ***CWP-9606-2022, titled as Khairati Lal Versus State of Haryana and others***, decided on 13.10.2025. The observations made therein be reads as under:-

*“(i) The charge sheet must be issued within a reasonable period.*

*(ii) The inquiry must be concluded within six months of issuance of the charge sheet.*

*(iii) The Punishing Authority shall decide the matter within three months of receipt of the inquiry report.*

*(iv) The Appellate Authority shall dispose of the appeal preferred against the decision of the Punishing Authority within three months of filing such an appeal.*



*(v) Thus, the entire process of disciplinary action must conclude within one year at the most. Any unexplained or inordinate delay beyond this period shall vitiate the proceedings and invite an adverse inference against the disciplinary authority*

*(vi) The Administrative Secretaries of the concerned departments, as well as heads of relevant Boards and Corporations, are also directed to conduct a quarterly review to ensure that the prescribed timeline is scrupulously followed and no disciplinary action is unjustly delayed.”*

6. However, there is no denial to the fact that the withheld retiral dues of the petitioner was released only on 09.10.2025. As such, the delay of more than six years in concluding disciplinary proceedings has not only hampered the right of the petitioner under Article 21 of the Constitution of India and same is also contrary to the law laid down in ***Prem Nath Bali (supra)*** and ***Khairati Lal (supra)***.

7. The employer must conduct proceedings diligently and without unnecessary delay. Protracted enquiries defeat the very purpose of disciplinary mechanism, instead of ensuring efficiency, integrity, and accountability they breed inefficiency, demoralization, and distrust in the system. A lack of seriousness in pursuing charges reflects poorly on the administration and may indicate malice or oblique motives, the employer cannot be permitted to keep the sword of disciplinary action dangling over an employee indefinitely.

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8. It is trite law that retiral benefits are not a matter of grace or bounty, but a statutory and vested right accruing to an employee upon superannuation. The issue is no longer res integra. The controversy stands squarely covered by the authoritative pronouncement of the Full Bench of this Court in *A.S. Randhawa, Superintending Engineer (Retd.) vs. State of Punjab, 1998 (1) SCT 343*, wherein it has been unequivocally held that any delay in release of pensionary or retiral benefits beyond a reasonable period of two months from the date they become due would entail payment of interest to compensate the retiree for such delay.

9. The rationale underlying the grant of interest is that an employee, who has rendered long years of service, cannot be deprived of his legitimate dues without lawful justification.

10. In view of the above facts and circumstances, the writ petition is disposed of with a direction to the respondents/competent authority to compute and release interest on the delayed payment of arrears payable to the petitioner @ 6% per annum. The interest shall be calculated after the expiry of a period of six months from the date of retirement of the petitioner, the same being a reasonable and rational duration ordinarily required for culmination of disciplinary proceedings, and shall run till the date of actual realization.

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- 11. The aforesaid exercise shall be undertaken expeditiously and in any case within a period of three months from the date of receipt of a certified copy of this order
- 12. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)  
JUDGE

13.05.2026  
*parul verma*

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