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

CWP-29515-2022

Date of decision: 25.02.2026

BRAHMJIT SINGH DESWAL**....Petitioner**

Versus

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD AND OTHERS**....Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Sushil Jain, Advocate
for the petitioner.

Mr. Jagbir Malik, Advocate
for the respondents.

HARPREET SINGH BRAR, J (Oral):

1 The present petition has been filed under Article 226 of the Constitution of India, seeking a writ of *Mandamus* directing the respondents to release the retiral benefits, i.e., Gratuity, Leave Encashment and other retiral benefits of the petitioner, which have been illegally withheld, despite the petitioner having retired on 31.03.2022. Despite repeated representations, the respondents have not released the said retiral benefits. A further prayer has been made for issuance of a writ of *Mandamus* directing the respondents to release the retiral benefits along with interest @ 18% per annum from the date of retirement i.e. 31.03.2022 till its actual realization.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner superannuated on 31.03.2022, however, the retiral dues were not



fully released. The only dispute pertains to the payment of Death-cum-Retirement Gratuity (DCRG). After the superannuation of the petitioner on 31.03.2022, two charge-sheets were issued to him on 25.04.2022. The disciplinary proceedings culminated on 11.12.2024, wherein only a warning was issued to the petitioner. It is contended that issuance of a mere warning does not create any embargo on the release of DCRG.

3. *Per contra*, learned counsel for the respondents submits that the Leave Encashment and NPS amount were released in time and credited to the petitioner's account on 23.05.2022. However, he opposes the prayer regarding release of the DCRG on the ground of an audit objection. He, however, could not substantiate the nature or validity of the alleged audit objection. It is further not disputed that no effective departmental proceedings were pending against the petitioner at the time of his retirement.

4. I have heard learned counsel for the parties and perused the record with their able assistance. It transpires that the petitioner retired on 31.03.2022 and two charge-sheets were issued only on 25.04.2022, which culminated in issuance of a warning on 11.12.2024. In view thereof, the petitioner is entitled to the release of DCRG. Further, on account of the inordinate delay in releasing the retiral dues, the petitioner is also entitled to interest.

5. The respondent-Nigam took more than one year and eight months to conclude the disciplinary proceedings, which is contrary to the law laid down by this Court in CWP-9606-2025 titled ***Khairati Lal vs. State of Haryana and others***. Therefore, the action of the respondents in



withholding the DCRG cannot be sustained in the eyes of law, as the delay alone is sufficient to vitiate the disciplinary proceedings.

6. Reliance in this regard may also be placed on the judgment rendered by a two-Judge bench of the Hon'ble Supreme Court in ***Prem Nath Bali vs. Registrar, High Court of Delhi and another*** in ***Civil Appeal No. 958 of 2010*** decided on 16.12.2015, wherein, speaking through Justice Abhay Manohar Sapre, held as follows:

"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 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)

7. Any procedure which does not ensure the culmination of disciplinary proceedings within a reasonable dispatch, would fall foul of Article 21 of the Constitution of India. Timely determination of guilt or innocence of the accused employee is an integral and essential part of fundamental right to life and liberty enshrined in Article 21 of the Constitution of India. This Court witnesses multiple cases on a daily basis where the employees are aggrieved by whimsical timelines adopted by relevant authorities to conclude disciplinary proceedings initiated against them.

8. In view of the above, the present petition is allowed and the respondent-Corporation is directed to release the amount of interest on delayed payment of retiral dues in favour of the petitioner @6% per annum, to be calculated from after two months of the date of his retirement till the date of its actual realization. Needful be done within a period of three months from the date of receipt of a certified copy of this order.

9. Pending miscellaneous application(s), if any, also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

25.02.2026
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1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No