2026:PHHC:073859

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

250 CWP-29482-2024
Date of Decision: 07.05.2026

Ajaib Singh

.....Petitioner

VERSUS

Registrar Cooperative Societies Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present *:* Mr. C.R. Dahiya, Advocate for the petitioner.

Mr. U.K. Agnohotri with Ms. Anshul Agnihotri, Advocates for respondent No.3.

HARPREET SINGH BRAR, J. (Oral)

1. The petitioner has approached this Court by way of the present writ petition under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of *mandamus* directing the respondents to release the retiral benefits of the petitioner along with interest in view of the order dated 15.09.2022 (Annexure P-2) passed by this Court in CWP-27594-2018.

2. On 27.03.2026, the following order was passed by this Court:-

"Learned counsel for the petitioner inter alia contends that the entire retiral dues of the petitioner have not been paid

and an amount of Rs.5,33,151/- was deducted from the retiral dues on the basis of the audit reports for the year 2013-2014 and 2014-2015 on account of some deficiency of loss for which no disciplinary proceedings were ever initiated against the petitioner and further in the absence of any show cause notice or disciplinary proceedings, the amount from the retiral dues merely on the basis of audit reports is not permissible and he has relied upon ***Rajinder Singh vs. UHBVN, CWP-36946-2025 and Omi Devi vs. UHBVN, 2012(4) SCT 153****.*

Mr. Agnihotri has filed his Power of Attorney on behalf of respondent No.3, which is taken on record. Registry to tag the same at an appropriate place.

Learned counsel for respondent No.3 seeks short accommodation to have complete instructions.

List on 07.05.2026

To be taken up immediately after the urgent list"

3. Learned counsel for respondent No.3 has filed written statement in the Court today, which is ordered to be taken on record. Registry is directed to place the same at an appropriate place. Copy thereof, has been supplied to the learned counsel for the petitioner during the course of the hearing.

4. Learned counsel for respondent No.3 submits that the petitioner was placed under suspension on account of allegations pertaining to embezzlement vide order dated 26.07.1980 (Annexure R-3/1). It is further submitted that thereafter a charge-sheet dated 24.01.1981 (Annexure R-3/2),

along with statement of allegations, was served upon the petitioner and a regular departmental inquiry was conducted against him and upon conclusion of the inquiry proceedings, the petitioner was allegedly found guilty and recovery of an amount of Rs.88,311/- was ordered against him. It has further been contended that since the aforesaid amount could not be recovered during the service tenure of the petitioner, the same, along with accrued interest, was recalculated and quantified as Rs.6,13,151/-, which has subsequently been adjusted from the retiral dues payable to the petitioner upon attaining the age of superannuation on 31.05.2024.

5. I have heard learned counsel for the parties and have gone through the record of the case with their able assistance. It transpires from the record that after rendering long years of service with respondent No.3-Society, the petitioner retired from service on 31.05.2024. However, despite retirement, the retiral dues payable to the petitioner were not released, compelling him to approach this Court by way of filing CWP-27594-2018, which came to be allowed vide judgment dated 15.09.2022 (Annexure P-2). While disposing of the said writ petition, this Court had directed the respondents to release the retiral dues of the petitioner along with interest @ 6% per annum from the date the amount became due till its actual realization, in terms of the Full Bench judgment of this Court in ***A.S. Randhawa (supra).***

5.1 It further emerges from the record that despite the aforesaid directions, the respondents failed to release the entire retiral dues to the petitioner, thereby constraining him to initiate contempt proceedings by filing COCP-2757-2022. During the pendency of the said contempt petition, three cheques amounting in total to Rs.5,70,339/- were released to the petitioner out of the total admitted retiral amount of Rs.11,83,490/-, and that too without payment of any interest. The petitioner has admittedly received the aforesaid amount without prejudice to his legal rights and contentions.

5.2 Further, a perusal of the reply (Annexure P-1) filed by respondent No.3-Society in the earlier writ petition i.e. CWP-27594-2018 filed by the petitioner, reads as under:-

> *"2. That in para no.7 of the writ petition, the petitioner has made wrong calculation with regard to the amount of his retiral benefits to be released by the answering respondent Society. The petitioner is only entitled for gratuity and leave salary on his retirement. The correct calculation of the amount of retiral benefits of the petitioner as per the records of the answering respondent-Society is as under:-*

Date of Joining	*Date of retirement*	*Period*		*Benefit*
01.07.1975	*31.05.2014*	*38 years 11 months*		*33 years*
Last Basic	*GP*	*Total*	*DA 100%*	*G. Total*
18730	*3600*	*22330*	*22330*	*44660*
Gratuity	$\frac{44660 \times 33 \times 15}{30}$			*7,36,890*
Leave Salary	*44660 X 300*			*4,46,600*

	30			
			Total	*11,83,490/-*

3. That an amount of Rs.5,33,151/- is recoverable from the petitioner as per the audit reports for the years 2013-14 and 2014-15 on account of amount of any deficiency or loss. It is further submitted here that an amount of Rs.25,000/- and Rs.39,810/- total amounting to Rs.64,810/- are also to be deducted from the retiral benefits of the petitioner. In this way, total amount of Rs.5,97,961/- is to be deducted from the retiral benefits of the petitioner and an amount of Rs.5,85,529/- is payable to the petitioner on account of his retiral benefits."

6. Further, quite surprisingly, the stand now sought to be taken by respondent No.3 in the present written statement is materially inconsistent and contrary to the stand earlier taken by it in CWP-27594-2018. In the earlier round of litigation, the deduction from the retiral dues of the petitioner was sought to be justified solely on the basis of audit reports pertaining to the years 2013-14 and 2014-15. However, for the first time in the present proceedings, respondent No.3 has attempted to justify the withholding of retiral benefits by alleging that the petitioner had been served with a charge-sheet dated 24.01.1981 (Annexure R-3/2) and that after conclusion of a regular departmental inquiry, recovery of an amount of Rs.88,111/- was ordered against him.

6.1 However, except placing on record a copy of the suspension order dated 26.07.1980 (Annexure R-3/1) and the charge-sheet dated 24.01.1981 (Annexure R-3/2), no final order passed by the competent disciplinary authority has been produced before this Court which may even remotely indicate that the petitioner was ever subjected to a duly concluded disciplinary proceeding culminating into a punishment order imposing recovery. No inquiry report, order of punishment or any document evidencing acceptance and implementation of such alleged recovery has been brought on record.

6.2 Even otherwise, assuming arguendo that any such recovery order had in fact been passed sometime in the year 1982, the respondents have failed to explain as to why no steps whatsoever were taken to recover the said amount during the entire service career of the petitioner extending over several decades. The inaction on the part of the respondents throughout the service tenure of the petitioner clearly belies the stand now sought to be projected. Mere pendency of an alleged audit objection or stale claim cannot furnish a valid justification for effecting recovery from retiral dues after retirement, particularly when the employee stood superannuated without any pending disciplinary or judicial proceedings.

6.3 The categorical stand taken by the petitioner that no disciplinary proceedings were pending against him on the date of his retirement has also not been effectively rebutted by respondent No.3 by producing any cogent or convincing material to the contrary. Significantly, even in the earlier writ proceedings, respondent No.3 had nowhere pleaded the existence of any disciplinary proceedings. Thus, the present attempt to improve upon the earlier stand appears to be nothing but an afterthought devised to justify the illegal withholding of retiral benefits.

6.4 This Court further finds that the issue regarding entitlement of the petitioner to retiral dues along with interest @ 6% per annum already stands concluded by the Coordinate Bench of this Court vide judgment dated 15.09.2022 (Annexure P-2). Once the respondents themselves had admitted the total retiral benefits payable to the petitioner as Rs.11,83,490/-, the subsequent withholding of a substantial portion thereof without any lawful authority cannot be sustained in the eyes of law. Consequently, the petitioner is held entitled to release of the withheld amount out of the admitted retiral dues of Rs.11,83,490/-, out of which only Rs.5,70,339/- has admittedly been paid to him till date.

7. Consequently, in view of the discussion made hereinabove, the present writ petition is allowed with the following directions:-

(i) The respondents shall release the balance withheld retiral amount to the petitioner, along with interest @ 6% per annum in terms of ***A.S. Randhawa (supra)***. The aforesaid interest shall be calculated after expiry of two months from the date of retirement of the petitioner till the date of actual realization.

(ii) The petitioner shall also be entitled to interest @ 6% per annum on the amount already released to him during the pendency of the proceedings. The said interest shall likewise be calculated after expiry of two months from the date of retirement of the petitioner till the date of actual payment.

(iii) Respondent No.2 shall ensure compliance of the present order by respondent No.3-Society within the stipulated period in accordance with law.

8. The aforesaid directions shall be complied with by the respondents within the stipulated period positively. In the event of failure or deliberate deviation from the directions issued by this Court, it shall be open to the petitioner to avail appropriate remedies available in accordance with law, including initiation of proceedings under the Contempt of Courts Act, 1971 for wilful disobedience of the present order.

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

(HARPREET SINGH BRAR)
JUDGE

07.05.2026
Puneet Chawla

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