

(2013) 09 P&H CK 0483

High Court Of Punjab And Haryana At Chandigarh

Case No: C.W.P. No. 6291 of 2000 (O&M)

S.K. Punchhi (Surinder Kumar
Punchhi)

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision: Sept. 24, 2013

Citation: (2014) 1 SCT 707

Hon'ble Judges: Ajay Tewari, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Ajay Tewari, J.

The prayer made in the present writ petition is for the grant of interest on the delayed payment of retiral benefits. The petitioner was retired on 30.11.1996 and at that time three inquiries were pending against him. The provisional pension was allowed to the petitioner in the year 1997; however, the full retiral dues were allowed to him in the year 1999. Ultimately after inquiries, the three charge-sheets were filed by order (Annexures P-3, P-4 and P-5). It is the case of the petitioner that once the charge-sheets were filed the respondents were enjoined to grant interest to the petitioner for the delayed payment of retiral dues for the period from 01.12.1996 to 30.11.1999.

2. Learned Assistant Advocate General states that once the charge-sheets were decided the petitioner was released all his dues within a reasonable time and therefore there was no negligence on the part of the respondents.

3. Learned counsel for the petitioner has argued that the plea of the respondents that there is no negligence on their part is not and cannot be a complete answer. As per him the basic justification for interest is always the fact that money belonging to one person is being put to use by another person. If that is compounded by negligence there may be a claim for even higher interest. In support of his

arguments, the learned counsel for the petitioner has relied upon *Gurcharan Singh v. State of Punjab* reported as 1999 (2) SCT 817 wherein a Division Bench of this Court held as follows:-

6. We have heard learned counsel for the parties. In our opinion, there is no legal justifications to withhold the amount of GPF payable to the petitioner because what he is claiming is his own property which was kept in trust with the government. That apart, the unequivocal admission made by the respondents about the preparation of documents on the issue of payment of GPF, there does not remain any justification for non-payment of the amount due to the petitioner which must be treated as his property in view of the various decisions of the Supreme Court.....

8. For the reasons mentioned above, the writ petition is partly allowed. The respondents are directed to pay the amount of GPF due to the petitioner along with interest at the rate of 18% within a period of one month of the submission of certified copy of this order, failing which the respondents shall have to pay interest at the rate of 24% per annum.

4. Learned counsel for the petitioner has further relied upon the judgment in the matter of *Ram Narian v. State of Haryana and another*, passed in LPA No. 1993 of 2011, decided on 16.02.2012, wherein a Division Bench of this Court held as follows:-

However, once the charge has been found to be without any basis and he is acquitted, then the writ petitioner-appellant cannot be subjected to double punishment firstly, by harassing him in criminal proceedings and then by withholding his retiral benefits. Once he is exonerated then, by fiction of law, he has to be treated as innocent...

5. In my opinion, the argument of learned counsel for the petitioner carries more weight. It is now trite to say that retiral benefits are akin to property. Once that is so, they cannot be retained except for valid cause. A charge-sheet which is ultimately filed obviously does not answer that description and therefore it has to be held that retiral dues were retained without any authority and justification. Keeping in mind the factual matrix and in view of the decision in *Gurcharan Singh's* case (supra) and *Ram Narian's* case (supra), I deem it appropriate to grant interest @ 8% p.a. to the petitioner w.e.f. 13.03.1997 (the date on which the provisional pension was released) till the date of payment on the delayed retiral dues. Let the necessary exercise of computing the interest and disbursement be made within a period of two months from the date of receipt of a certified copy of this order. It is made clear that if this time limit is not adhered to then the petitioner would be entitled to claim the amount/s due with further interest @ 2% p.a. till the date of payment.

Petition stands allowed in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.