
(2013) 11 P&H CK 0148
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 26152 of 2012

Kavi Raj Singh

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 27-11-2013

Acts Referred:

Citation : (2013) 11 P&H CK 0148

Hon'ble Judges : M.M.S. Bedi, J

Bench : Single Bench

Advocate : G.S. Gopera, for the Appellant; S.S. Goripuria, DAG, Haryana and Mr. Satyawan Ahlawat, Advocate for the Respondent No. 3, for the Respondent

Final Decision : Allowed

Judgement

M.M.S. Bedi, J.—The petitioner has filed this writ petition for the release of interest @ 18% p.a. on delayed payment of retiral benefits i.e. leave salary amounting to Rs. 3,06,000/- from 31.03.2010 to 04.05.2012. Counsel for the respondents has contended that the petitioner was facing a departmental enquiry pertaining to misconduct for having not implemented directions of Industries Department Haryana and that he was exonerated on 20.01.2012. It is claimed by counsel for the respondents that all the retiral benefits were released to the petitioner after his exoneration on 16.04.2012.

2. I have heard counsel for the petitioner as well as counsel for the respondents and I am of opinion that the reason put forth by the respondents for withholding the retiral benefits of leave salary from 31.03.2010 to 04.05.2012 was illegal and arbitrary in view of the nature of enquiry which was allegedly pending against the petitioner. A perusal of the enquiry report (Annexure P-2) indicates that said enquiry had nothing to do with any loss to the Government or recovery to be effected from the petitioner.

3. In view of the instructions dated 20.02.2002 issued by the State Government adopted by respondents No. 2 and 3, the petitioner can be granted interest on

delayed payment of the retiral benefits. Writ petition is maintainable for recovery of interest on delayed payment as per the judgment in A.J. Randhawa Supdg. Engineer (Retd.) Vs. State of Punjab and Others, This petition is allowed and striking a balance between the rights of the petitioner and the claim of the respondents, I deem it appropriate to issue a direction that respondents will pay interest @ 6% p.a. on a sum of Rs. 3,06,000/- for the period from 01.04.2010 to 16.04.2012 within a period of four months after the date of receipt of a certified copy of this order.