

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(231)

CWP-6567-2020

Date of Decision : July 20, 2022

Ram Mehar

.. Petitioner

Versus

Haryana Vidyut Prasaran Nigam Limited (HVPNL) and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Suneel Ranga, Advocate, for the petitioner.

Mr. Ashish Sanghi, Advocate, for the respondents.

**HARSIMRAN SINGH SETHI J. (ORAL)**

In the present case, the prayer of the petitioner is that he retired from service on attaining the age of superannuation on 30.09.2015 but all the pensionary benefits for which he is entitled for, have not been released to him but were withheld by the respondents and have been released now.

Learned counsel for the petitioner submits that though, at the time when the petitioner retired from service, one FIR bearing No.148 dated 26.06.2015 registered at Police Station Israna, District Panipat was pending, apart from this another charge-sheet was also pending against the petitioner regarding the same allegations. Due to the pendency of the criminal as well as departmental proceedings, the pensionary benefits of the petitioner were withheld. Learned counsel for the petitioner further submits that the petitioner was acquitted by the competent Court in FIR No.148 dated

26.06.2015 in the year 2016 but the departmental proceedings were kept pending and the same was only dropped on 12.07.2018.

Learned counsel for the petitioner submits that once the petitioner has not been found guilty of the allegations being alleged either before the criminal Court or the departmental proceedings, the same cannot cause prejudice to the petitioner and he is entitled for the grant of interest on the delayed release of the pensionary benefits.

Learned counsel for the respondents submits that at the time when the petitioner retired, some of the pensionary benefits of the petitioner were withheld keeping in view the criminal as well as departmental proceedings pending against the petitioner, hence, the respondents were well within their right to withhold certain pensionary benefits available to the petitioner upon retirement.

Learned counsel for the respondents further submits that after the criminal as well as departmental proceedings ended, the benefits were released to the petitioner without there being any further delay and hence, the grievance of the petitioner stands satisfied.

Learned counsel for the petitioner submits that once the petitioner was exonerated of the allegations before the criminal Court as well as in the departmental proceedings, the petitioner is entitled for the grant of interest on the delayed release of the pensionary benefits as, the gratuity, has been released to the petitioner in the year 2022 whereas, the criminal proceedings ended in acquittal of the petitioner in the year 2016 and the departmental proceedings were dropped against him four years ago in the year 2018.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is a conceded position that when the petitioner retired from service on 30.09.2015, there were criminal as well as departmental proceedings pending against the petitioner and the respondents were well within their right to withhold certain pensionary benefits admissible to the petitioner after retirement but after those proceedings ended, there was no valid justification to retain the same especially when the petitioner was exonerated of the allegations before the Criminal Court as well as in the departmental proceedings.

Once the Department alleged allegations against the petitioner and on the basis of those allegations, the amount for which the petitioner became entitled upon his superannuation was withheld, and thereafter, the Department failed to substantiate those allegations, hence, the issuance of the charge sheets or pendency of the same at the time of retirement cannot be a reason to cause prejudice to the petitioner. The acts which are attributable to the respondents cannot cause prejudice to an employee by firstly withholding his pensionary benefits on the basis of pendency of the charge sheets issued by the Department alleging certain allegations and thereafter, by denying him grant of interest on the delayed payments, despite the fact that the employee was found innocent as the Department concerned failed to prove those allegations.

Keeping in view the facts and circumstances of this case, once the petitioner is found innocent of the allegations alleged and has suffered prejudice only due to the actions of the respondent-Department as the petitioner was prevented from availing his pensionary benefits upon his

retirement for a sufficient long period of time and also petitioner could not use those financial benefits to his benefit, the petitioner becomes entitled for the grant of interest on the delayed payments to mitigate the prejudice/hardship suffered by him, which is in consonance of settled principle of law.

A Coordinate Bench of this Court in of *J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355*, has held that where an amount belonging to an employee, has been retained and used by the respondents, the employee is entitled for the grant of interest. The relevant paragraph of *J.S. Cheema's case (supra)* is as under: -

*“The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is lying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”*

In the present case, the amount of gratuity and other benefits were retained by the respondents with them and used and therefore, the petitioner will be entitled for the grant of interest on the said amount. Hence, the retiral benefits, if already paid, will also carry interest @ 6% per annum from the date the amount became due till the release of the same. Let the amount of interest be calculated by the respondents within a period of two months from the receipt of copy of this order and the same be released to the petitioner within a period of four weeks thereafter.

The present writ petition is allowed in above terms.

July 20, 2022  
*harsha*

(HARSIMRAN SINGH SETHI)  
JUDGE

Whether speaking/reasoned : Yes  
Whether reportable : Yes

