



CWP- 7878-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 7878-2025

Date of Decision: 19.05.2025

ASHOK KUMAR GARG

..... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Parth Goyal, Advocate
for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Punjab.

Mr. H.S. Oberoi, Advocate
for respondent no. 5. (Through V.C.)

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to release the due retiral benefits to the petitioner, i.e., regular pension, commutation and gratuity along with interest at the rate of twelve per cent with effect from the due date till the actual date of payment.

2. Learned State counsel has received instructions from the Department vide memo, dated 08.05.2025, which are retained on the case



file as Annexure 'A'. These are to the following effect:

3. That it is pertinent to mention here that vide Memo No. G-3-2025/5929 dated 30.04.2025 the letter sent to office of the Principal Accountant General, Haryana, Chandigarh for withheld Rs. 5,99,306 from the commutation and gratuity of the said petitioner and release the remaining amount Copy of letter as attached as (Annexure A-1). Thereafter, office of the Principal Accountant General, Haryana, Chandigarh vide memo No. PCS-1/24-25/EMAIL-1005/545-546 dated 02.05.2025 has issued instruction that the rule 81 of Haryana Civil Service (Pension) rule, 2016, pension commutation and gratuity amount cannot be authorized while judicial proceeding are pending or till their completion and final order is issued on the them Copy of letter as attached as (Annexure A-2). Afterword, it is submitted here that the vide Memo No. G-3-2025/5952 dated 08.05.2025 letter has been sent to Principal Accountant General, Haryana, Chandigarh for information no judicial/departmental enquiry pending of the petitioner. Copy of letter as attached as (Annexure A-3).

Based upon that, she contends that the Department has no objection to releasing due pensionary benefits to the petitioner by withholding the disputed amount of ₹5,99,306, and communications to that effect have already been sent to the fifth respondent/Principal Accountant General, as detailed in the instructions.

3. In these circumstances, learned counsel appearing for the fifth respondent contends that Pension Payment Order (PPO) for the due pensionary benefits, by withholding the amount as aforementioned, will be released to the petitioner within two weeks. The petition may, accordingly, be disposed of.



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4. Learned counsel for the petitioner, however, contends that the petitioner has made another prayer that he is entitled to interest on the delayed payment of pensionary benefits, after withholding the aforementioned disputed amount. He retired on 30.10.2024, and in terms of Rule 79 (1) of Haryana Civil Services (Pension) Rules, 2016, he became entitled to payment of interest on pensionary benefits after three months therefrom, as full pensionary benefits were not released to him at the time of retirement.

5. It is apparent on record that the petitioner was released provisional pension by withholding the amount of gratuity and commutation of pension vide PPO dated 30.10.2024. Thereupon, he approached this court seeking the aforementioned benefits, and for the first time made a statement on 20.03.2025, which is recorded in the order passed by this Court on that date, and reads as under:

It is, inter alia, contended that the petitioner earlier approached this Court against re-fixation of his pay due to wrong withdrawal of two additional increments granted to him being a State Teacher awardee. The order whereby his pay was re-fixed on 24.09.2024, was stayed by this Court vide order dated 03.10.2024 in CWP-25580-2024, which is still pending at motion stage. Although the petitioner's pension has been fixed on the basis of last pay drawn by him without taking into account re-fixation of pay vide order dated 24.09.2024, he has only been released provisional pension, and other due benefits viz. gratuity and commutation of pension, have been withheld on the basis of a communication dated 28.10.2024, Annexure P-14, issued by the third respondent with *mala fide* intention. Learned counsel further contends that total amount of recovery



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due against him on account of re-fixation is Rs. 5,99,306, and by withholding the same, other due benefits can be released to him subject to final adjudication of the petition, CWP-25580-2024.

6. The undertaking given has been taken into account and in terms therewith the due benefits are being released by withholding the disputed amount which could not have been done prior to the undertaking. Resultantly, there is no delay in releasing the benefits and the petitioner is not entitled to any interest on the payment made/to be made.
7. Petition stands disposed of as such.

19.05.2025

Sima

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

**(TRIBHUVAN DAHIYA)
JUDGE**