

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**CWP No. 5568 of 2024****Date of decision: 24.11.2025**

Madan Lal Thakur	...Petitioner
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Versus

Hon'ble High Court of H. P. & Ors.	...Respondents
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*Coram****The Hon'ble Mr. Justice G. S. Sandhawalia, Chief Justice.******The Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge.****Whether approved for reporting?***For the Petitioner:** Mr. Narender Sharma and Ms. Minakshi Sharma, Advocates.

For the Respondents: Ms. Shalini Thakur, Advocate, for respondents No. 1 and 2.
 Mr. Tek Ram Sharma, Advocate, for respondent No. 3.
 Mr. Arsh Rattan, Deputy Advocate General, for respondents No. 4 to 6-State.

G. S. Sandhawalia, Chief Justice (Oral)

The only issue which arises for consideration in the present writ petition is regarding the payment of interest on the delayed Death-cum-Retirement Gratuity (**DCRG**) of Rs.13,17,860/-, which was paid to the petitioner on August, 2024.

2. The challenge in the writ petition was *firstly* to the recovery notice dated 19.11.2022 issued against the deceased employee, namely, Rama Thakur, Senior Assistant (Record Keeper), posted in the District Court, Solan at Kandaghat. Apparently, vide said communication, there was issue regarding recovery of pay in respect of the extra ordinary leave availed during the year 2014-15. Unfortunately, the said employee died

on 20.01.2023 and the above said amount was withheld though sanctioned on 17.04.2023 by the office of the Accountant General, due to the recovery element issue which had arisen while processing the said payment regarding pension etc.

3. Eventually, vide order dated 20.08.2024 (Annexure P-1), the said recovery was held to be impermissible by the District & Sessions Judge, Solan, from the DCRG amount, and the amount was then disbursed to the LR's, as such in August, 2024. The State was required to pay the interest on the amount having been retained by it from 17.04.2023 keeping in view Rule 65 of the CCS (Pension) Rules, 2021, which provides that the interest would be payable at the rate applicable to General Provident Fund amount in accordance with the instructions issued from time to time. It is, thus, pointed out that the interest at the rate of 7.1% per annum would be liable to be paid from the date of entitlement i.e. 17.04.2023 till the date of disbursement. Let the needful be done by the State within a period of six weeks, on the receipt of the copy of the order.

4. The Writ petition is disposed of in the aforesaid terms, so also pending application(s), if any.

(G. S. Sandhawalia)
Chief Justice

(Jiya Lal Bhardwaj)
Judge

24th November, 2025
(sanjeev)