

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(212)

CWP No. 4947 of 2003

Date of decision: 28.08.2015

Sat Pal Gupta

....Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Kapil Kakkar, Advocate for the petitioner.

Mr.Vaibhav Sharma, DAG, Punjab.

P.B. Bajanthri, J. (Oral)

In the writ petition, petitioner is stated to have joined service with the Food and Supplies Department as Sub-Inspector. He has attained age of superannuation and retired from service on 31.01.2000 while holding the post of District Food Supplies Controller, Bathinda.

Short question for consideration in this matter is whether the petitioner is entitled for interest on belated settlement of gratuity, leave encashment and pension.

As on 31.01.2000, the date on which the petitioner retired, no departmental enquiry or criminal proceedings were pending against the petitioner therefore, it was duty bound on the respondents to settle petitioner's pensionary benefits. However, at that juncture, the respondents issued a show cause notice holding that there were some allegations in the year 1983-84 relating to financial loss. Thereafter, recovery proceedings were done by deducting certain amount from the petitioner's gratuity and

other retirement benefits on 27.05.2002. The petitioner preferred an appeal before the Government and recovery order was set aside. Thereafter, the petitioner's claim relating to gratuity was settled on 30.10.2002, on 23.1.2003 leave encashment was paid and in the same year pension was fixed and it was disbursed. Since, the petitioner retired on 31.01.2000, he is entitled for interest on belated settlement of pensionary benefits from 31.03.2000 onwards. The respondents are directed to calculate interest on the belated settlement of pensionary benefits and to disburse the interest @ 9% per annum within a period of 3 months. The respondents are also directed to pay cost of Rs.5000/- to the petitioner.

Accordingly, writ petition is disposed of.

28.08.2015

pooja saini

(P.B.BAJANTHRI)
JUDGE