

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

CWP No. 14929 of 2012 (O&M)

Date of decision: 04.05.2015

H.C. Arora

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Chahal, Advocate for the petitioner.

Mr. Lokesh Sinhal, Advocate
for respondents Nos.2 to 4.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioner seeks quashing of letter dated 26.05.2012 (Annexure P-4) and issuance of directions to the respondents to release the amount of gratuity to the petitioner as per last pay drawn along with interest and simple interest on the less amount of gratuity paid on 16.06.2011 w.e.f. the date it has become due i.e. 23.8.2006 as notified by the Central Govt., from time to time for repayment of long terms deposit as per Payment of Gratuity Act, 1972 and further directions to pay leave encashment and HRA @ 750 p.m., for the period from 21.01.2001 upto 25.06.2002.

The learned counsel for the petitioner states that the petitioner was removed from service on 23.08.2006, whereas the amount of gratuity was paid on 17.06.2011. He further submits that the amount of

salary to the extent of Rs. 13205 which had become due on 15.08.2003 was paid on 09.06.2011.

On the other hand, the learned counsel for respondents states that in the interregnum period, the matter being sub-judice, a stay had been granted in favour of the petitioner. The earlier writ petition filed by the petitioner was ordered to be withdrawn with liberty to challenge the order of removal which the petitioner never challenged.

Heard.

The liberty granted by this Court, vide order dated 23.09.2010 to assail the order of removal cannot be read against the petitioner as the liberty is confined only to the order of removal and not to his claim towards interest on the delayed payment of gratuity. Admittedly, the petitioner was removed from service on 23.08.2006, whereas the amount was paid on 17.06.2011.

In the circumstances, the petitioner is entitled to interest on the delayed payment. Accordingly, the respondents are directed to pay the interest after calculating the same on the delayed payment @ 8% p.a., from the date it became due till its payment, within a period of four months from the date of receipt of a certified copy of this order.

04.05.2015

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(JITENDRA CHAUHAN)
JUDGE