

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

CWP-20503-2011

Date of decision : 11.05.2015

Pawan Kumar Goyal

...Petitioner

V/S

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Hitesh Sood, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab

JITENDRA CHAUHAN, J. (Oral)

This Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of directions to the respondents to release the pension and the other retiral benefits along with interest @18% PA.

It is contended that petitioner sought premature retirement w.e.f. 28.12.2004 from the Improvement Trust, Bathinda. On 22.06.2011, the petitioner served legal notice upon all the respondents for payment of pension and other retiral benefits, but the respondents did not release any payment. However, during the pendency of this writ petition, the Improvement Trust, Bathinda has made a part payment of

the retiral benefits on 20.06.2012.

It further contended that the respondent No.5 has deducted a sum of Rs.1,11,567/- out of Rs.1,54,592/- as pension fund and the remaining amount of Rs.43,025/- has been released to the petitioner, vide letter No.2624, dated 30.09.2014. He placed photocopy of this letter on record as Mark 'A'. Prayer for interest on the delayed payment has also been made.

The learned State counsel contends that gratuity, pension and provident fund have already been paid to him.

Heard.

Admittedly, the respondent has already released gratuity, provident fund and arrears of gratuity and provident fund on 07.11.2006 and 11.01.2005 amounting to Rs.3,69,829/- and Rs.4,40,737/- respectively. The petitioner sought pre-mature retirement and was relieved on 23.12.2004. There is delay in the payment of amount to pension.

The learned State counsel could not raise any strong contention disentitling the petitioner to claim the interest.

Accordingly, the present petition is allowed with a direction to the respondents to pay the interest @8% per annum on retiral dues from the date of retirement till the actual date of full payment, in terms of **A. J. Randhawa Vs. State of Punjab** 1998 (1) SCT 343 Full Bench

Punjab and Haryana High Court and **The Financial Commissioner & Principal Secretary to Govt. Haryana, Irrigation Department, Civil Secretariat, Chandigarh and others Vs. Hasan Singh Kanwar, SDO, LPA No.915 of 2009**, decided on 07.10.2009, within four months after the receipt of a certified copy of this order.

11.05.2015

ashok

(JITENDRA CHAUHAN)
JUDGE