

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

CWP-1315-2014 (O&M)
Date of decision : 17.03.2015

Tarsem Lal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Shallie Mahajan, Advocate,
for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

In the instant petition filed under Article 226 of the Constitution of India, the petitioner has sought release of the amount of gratuity on account of the difference between respondent No.2 and 4. The petitioner was working as Excise and Taxation Officer, retired from service upon attaining the age of superannuation on 30.04.2012.

The learned State counsel submits that the gratuity of the petitioner has already been credited in his account vide ECS Invoice No.LDH000408140656001 dated 4.8.2014 (Annexure R-1). However, she has not been able to controvert the argument of learned counsel for the petitioner with regard to interest on the delayed payment.

Rule 9.13 of Punjab Civil Services Rules (Vol.II) reads as

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under:-

13. Interest on Delayed Payment of Gratuity:

(1) If the payment of gratuity has been authorized after three months from the date when its payment became due, and it is clearly established that the delay in payment was due to administrative lapse, then an interest at the rate of ten per cent per annum on the amount of gratuity shall be paid to the Government employee in respect of the period beyond three months:

Provided that the delay in the payment was not caused on account of failure on the part of the Government employee to comply with the procedure laid down as above.

(2) Every case of delayed payment of gratuity shall, suo moto, be considered by the Administrative Department or the Department, as the case may be and where the Administrative Department is satisfied that the delay in the payment of gratuity was caused on account of administrative lapse, the Administrative Department shall make a recommendation to the Department of Finance, Punjab for the payment of interest.

(3) If the recommendation of the Administrative Department made under sub-rule(2) is accepted by the Department of Finance Punjab the Administrative department concerned shall issue sanction for the payment of interest.

(4) In all cases where the payment of interest has

been authorized with concurrence of the Department of Finance, Punjab, the Administrative Department concerned shall fix the responsibility and take disciplinary action against the Government employee or employees concerned, who are found responsible for the delay in the payment of gratuity.

(5) If as a result of Government's decision taken subsequent to the retirement of a Government employee, the amount of gratuity already paid on his retirement, is enhanced on account of:

- (a) grant of emoluments higher than the emoluments on which gratuity, already paid, was determined, or,
- (b) liberalisation in the provisions of these rules from a date prior to the date of retirement of the Government employees concerned, no interest on the arrears of gratuity shall be paid.

There is nothing on record to show that the delay in the instant case is attributable to the petitioner, rather it is on account of the administrative lapse. Thus, the petitioner is entitled to grant of interest at the rate of 10% per annum, on the amount of gratuity, beyond the period of three months from the date its payment became due till its actual disbursement.

Disposed of.

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(JITENDRA CHAUHAN)
JUDGE

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