

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 18935 of 2012

Date of Decision : August 24, 2015

Amrik Singh Petitioner

Vs.

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. V. K. Shukla, Advocate
for the petitioner.

Mr. Ranbir Singh Pathania, AAG, Punjab.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner claims interest on the delayed release of his retiral benefits.

The uncontroverted facts, which may be noticed, are that the petitioner superannuated on 31.07.2009. However, the following retiral benefits were released to him as per the details given below :-

<u>Sr. No.</u>	<u>Description</u>	<u>Amount</u>	<u>Date of release</u>
01.	Gratuity	₹ 5,27,624/-	26.05.2010
02.	Leave Encashment	₹ 2,83,620/-	26.05.2010

03. General Provident ₹ 7,46,175/- 04.04.2011
Fund (GPF)

From the above facts, it is clear that there was delay in release of the above said retiral benefits.

On being put to notice, the primary reason for the above delay, as informed to the Court, is the objection raised by the respondents that though the petitioner's retiral benefits accrued in the financial year 2009-10, they should be released in the next financial year.

This reason is not acceptable.

This is also against the instructions of the Government dated 14.07.1995 (Annexure P-4), which clearly provide that the retiral benefits of the employees should be released within three months from the date of their superannuation.

Holding the delay in release of the above referred retiral benefits to be unjustified, the petitioner is held entitled to the grant of interest @ 10% per annum with effect from three months after the date of his superannuation till the date of actual receipt of his above said retiral dues. Interest, if any, which the petitioner may have been already granted, would be deducted from such payment.

It is further directed that the interest to be paid to the petitioner would be deducted from the salary of official(s), who would be held responsible for such delay, on inquiry to be conducted by respondent no. 2 – Director, Department of Rural Development & Panchayats, Punjab.

The compliance report in this regard be submitted to this Court within three months from the date of receipt of a certified copy of this order.

The writ petition stands allowed in the above terms.

**(DEEPAK SIBAL)
JUDGE**

August 24, 2015
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