

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

CWP No. 16966 of 2013 (O&M)

Date of decision: 31.07.2015

Narinder Singh Sandhu

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. R.K. Arora, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

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**Jitendra Chauhan, J. (Oral)**

The petitioner is seeking directions to the respondents to release the remaining 10% gratuity amount along with interest 18% p.a., for the delay and statutory interest on the delayed payments of GPF and gratuity, in terms of law laid down by this Court in A.J. Randhawa Vs. State of Punjab, 1998(1) SCT 343.

It is contended that the petitioner retired on 30.11.2011. The pension papers were submitted by him on 19.12.2011, however, the respondents noticed certain deficiency and returned the pension papers which were ultimately completed by the petitioner and submitted to the Head Master on 18.02.2012. Thereafter the necessary benefits were released to the petitioner. It is further contended that the petitioner is entitled to interest on the delayed

payment of retiral dues.

On the other hand, the learned State counsel submits that all the payments to the petitioner were made in time. The delay, if any, is on account of deficiency in pension papers submitted by the petitioner himself.

Heard.

In **A.J. Randhawa** Vs. **State of Punjab**, 1998(1) SCT 343, it has been held as under:-

*“In the cases before us there is no satisfactory explanation for the delay in disbursing the retiral benefits to the pensioners and they are, therefore, entitled to interest at the rate of 12% per annum for the period of delay on the amounts as paid to them. The writ petitions are accordingly allowed and the respondents directed to pay the interest as aforesaid within 3 months from the date of receipt of a copy of this order. The Chief Secretaries of the two State Governments of Punjab and Haryana are further directed to fix the responsibility of the erring officers/officials in each case pertaining to their State in regard to the delay Caused in the disbursement of retiral benefits to the petitioners and recover the amount of interest from them so that there is no loss caused to the State exchequer for their default. A copy of this judgment be sent to the Chief Secretaries of the States of Punjab and Haryana for information and necessary action”.*

It is not in dispute that the complete pension papers were submitted by the petitioner on 18.02.2012. In view of above law laid

down in A.J. Randhawa case (supra), two months time for processing the case could be allowed. The respondent ought to have released the amount on 18.04.2012, whereas the amount of GPF and leave encashment were released on 20.03.2012 and 18.10.2012 respectively. The amount of death cum retirement gratuity @ 90% was released on 14.06.2013 and rest of the amount @ 10% was released on 14.12.2013, as reflected in para No.2 of the reply, filed on behalf of the respondents.

Keeping in view the above facts and circumstances, the present petition is allowed. The petitioner is held entitled to interest @ 8% p.a., on the delayed payment of retiral dues and also admissible statutory interest on GPF amount for the period from 18.04.2012 till the actual payment is made. The respondents shall calculate the amount and release the necessary benefits to the petitioner, within a period of eight weeks from the receipt of certified copy of this order.

31.07.2015

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**(JITENDRA CHAUHAN)**  
**JUDGE**