

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 19237 of 2013

DATE OF DECISION: 12.05.2015

Shashi Bala Sharma

.....Petitioner

Versus

State of Punjab and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. Nirmal Singh, Advocate
for the petitioner.

Mr. Anil Sharma, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The grievance of the petitioner in the present petition is for grant of interest on the delayed amount of retiral dues as he retired on 30.6.2012, commutation of pension was granted on 28.9.2012 and leave encashment was granted on 2.11.2012.

Notice of motion was issued on 2.9.2013.

In response to notice of motion, reply on behalf of the respondent-State has been filed and the same is on record.

Learned counsel for the petitioner contends that the delay in release of the payment is on the part of the respondents as all necessary formalities were completed by the petitioner in time. Learned counsel

further contends that the amount of medical reimbursement is also pending before the Department and the same has not been paid to the petitioner.

Learned Counsel for the respondent-State submits that all payments have been released to the petitioner and delay occurred is only procedural. Learned State counsel further submits that the medical bill of the petitioner has been submitted to the Executive Engineer, UBDC, Gurdaspur, who is the sanctioning authority and the payment would be released to the petitioner without any delay.

Heard the arguments advanced by learned counsel for the petitioner as well as learned State counsel.

Admittedly the petitioner retired on 30.6.2012 and the delay has occurred in releasing the retiral benefits. The details of the amount released are mentioned as under:-

Leave encashment	Amount Rs. 3,70,090/-	Paid vide draft No. 001716 dated 25/10/2012
DCRG	Amount Rs. 5,58,164/-	Paid vide draft No. 002217 dated 01/02/2013
Arrears of D.A.	Amount Rs. 9,426/-	Voucher No. 14 dated 29/04/2013
Revised DCRG	Amount Rs. 24,744/-	Voucher No. 10 dated 31/05/2013
G.I.S.	Amount Rs. 37,572/-	Voucher No. 2 dated 08/07/2013
G.P. Fund	Amount Rs. 10,86,197/-	Voucher No. 5 dated 12/07/2013

A perusal of aforesaid details reproduced herein above clearly shows that delay has occurred in releasing the payment to the petitioner. The respondent-Department was duty bound to complete all the formalities required in release of the necessary retiral benefits. It could have been released within a period of three months after the date of retirement. Even

as per instructions of the State Government the retiral benefits are to be released within a period of three months from the date of retirement. The amount of leave encashment was paid to the petitioner on 25.10.2012, whereas, the petitioner retired on 30.6.2012. The amount of DCRG was paid to the petitioner on 1.2.2013. Similarly arrears of DA, revised DCRG, GIS and GPF were released to the petitioner with some delay. The amount of G.P. Fund is to be released by the AG office after it is forwarded by the respondent department .

In view of the above, the present petition is allowed and the petitioner is held entitled for interest at the rate of 8% on delayed payment after expiry of period of three months from the date of retirement i.e. 30.6.2012 till payment is released. The respondents are also directed to release the amount of medical bill. The said payments be released to the petitioner within a period of two months from the date of receipt of copy of the order.

May 12, 2015
pooja

(DAYA CHAUDHARY)
JUDGE