

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

**CWP No.20574 of 2013
Date of decision: 04.08.2015.**

Darshan Singh

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Namit Gautam, Advocate
for the petitioner.

Mr. P.P.S. Thethi, Addl. A.G., Punjab
for the respondents – State.

Daya Chaudhary, J. (Oral)

The present writ petition has been filed for issuance of direction to respondents to pay interest on the delayed payment of the retiral benefits including Gratuity, Leave Encashment, Group Insurance Scheme Funds, GPF, DCRG, Benefits of Commutation of Pension as the petitioner retired from service on 30.11.2011 on attaining the age of superannuation.

Learned counsel for the petitioner submits that all the formalities as required were completed by the petitioner still there was delay on the part of the respondents. The details of the payments

made to the petitioner are reproduced as under: -

Sr. No.	Type of Pensionary benefit	Amount (in Rs.)	Date of payment
1	G.P.F.	7,83,480/-	25.06.2012
2	Leave Encashment	4,16,490/-	25.06.2012
3	G.I.S.	30,206/-	23.07.2012
4	Commutation of Pension	4,73,431/-	30.08.2012
5	D.C.R.G.	6,14,323/-	14.03.2013
6	G.P.F. (Interest) w.e.f. 01.04.11 to 30.11.11	63,487/-	01.05.2013

Learned State counsel submits that the delay was procedural and it cannot be said that it was intentional on the part of the respondents. It was because of the reason that the Drawing and Disbursing Officer was not there and the payment could not be released.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the documents available on the file.

Admittedly, the petitioner retired from service on 30.11.2011 and the delay has occurred in releasing the payment as the same has been released on different dates either in the month of June 2012 or in the month of March/May 2013.

The submission made by learned State counsel, that the delay was procedural as the Drawing and Disbursing Officer was not there, cannot be accepted. The retiral benefits are to be released immediately within reasonable time after retirement and all the formalities are to be completed before the date of retirement. It has

not been mentioned in the reply or in the arguments of learned State counsel that the delay was on the part of the petitioner.

It is settled position of law that in case, there is a delay in releasing the retiral benefits and that too without the fault of the petitioner, then the petitioner becomes entitled to interest as well.

Accordingly, the present writ petition is allowed and the petitioner is held entitled to interest @ 9% per annum after expiry of three months from the date of retirement till the payment has been released. The necessary payment be released to the petitioner within a period of two months from the date of receipt of certified copy of this order.

In case, there is further delay in releasing payment of interest, the petitioner shall be entitled to interest @ 12% per annum till the payment is released.

04.08.2015
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(DAYA CHAUDHARY)
JUDGE