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

**CWP No.20572 of 2015
Date of Decision: 28.09.2015**

Karnail Singh … Petitioner

Versus

State of Punjab & ors. ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Tribhawan Singla, Advocate,
for the petitioner.

1. To be referred to the Reporters or not? .
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The Punjab Civil Services Rules, 1970 and office instructions require employees close to retirement to assist the department in completing the necessary formalities and paperwork required in time before their pension cases are processed and finalized. Paperwork includes release of General Provident Fund amounts lying to the credit of the beneficiaries.

In this case, the pension papers complete in all respects were not submitted by the petitioner till 1½ months beyond retirement which resulted in delay in payment of pension and pensionary dues. Ordinarily, pension papers are required to be submitted six months in advance of the due date of retirement to facilitate payments which includes clearances by the office of the Accountant General, Punjab. This period of six months is recognized as reasonable time to process cases for payment of pensionary dues before the person retires.

If the petitioner submitted his pension papers 1½ months after retirement, then 6 months would ordinarily need to be added to that period and that would come to around 8 months within which time the GPF amounts etc. were finally discharged by the department.

This petition has been filed to claim interest @ 12% per annum alone on the delayed payment of GPF on the ground that it was the petitioner's money and was illegally withheld which ought to have been remitted to his account at the time of retirement. However, it was not possible for the Government to pay GPF amount on the date of retirement in view of the lethargy of the petitioner to claim his pensionary dues in the time set of which the GPF credits were a part. If the sanction came late, it is largely because of the reason that the papers could not be processed in time due to the default of the petitioner. Besides, some procedural delay can well happen.

Every minor infraction will not result in issuance of a writ if no substantial justice results. In any case, the remedy provided under Article 226 of the Constitution of India is discretionary and an order will not be passed only because it is lawful to do so. Especially in the extraordinary constitutional authority in the said provision which is in the nature of a high prerogative writ and is not meant for trifling causes. I would not exercise such jurisdiction in this trifling matter regarding interest on delayed payment of money. Hence, the petition stands dismissed. The civil remedy is more appropriate to the cause ventilated in the petition for which the petitioner is at liberty to approach the trial court exercising territorial jurisdiction over the matter, since the right to interest would be dependent on determination of several disputed facts on production of evidence based on record to establish the right, if any and if advised. This is not to say that a writ would not lie to claim interest alone. But this case does not present features of admitted liability towards interest.

The petition is accordingly dismissed with the liberty to the petitioner to pursue alternative civil remedy.

(RAJIV NARAIN RAINA)
JUDGE

28.09.2015
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