

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 21466 of 2014 (O&M)

Date of decision : 1.9.2015

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Davinder Kaur

.....Petitioner

vs.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. G.P.S. Bal, Advocate for the petitioner.

Mr. Anshul Gupta, Assistant Advocate General,
Punjab.

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

P.B. Bajanthri, J.

In this petition, the petitioner has sought for the following relief :-

- i) Issue a writ in the nature of Mandamus directing the respondents to release 18% interest to petitioner upon the delay in retiral dues paid to her late husband (who was employed with the respondent department); and / or
- ii) pass any other appropriate Writ, order or direction which this Hon'ble Court may deem fit and proper in view of the facts and circumstances of the case;

iii) call for records of the case;

iv) dispense with the filing of certified copies of the Annexures;

v) issuance of advance notice of the respondents may be dispensed with.

(2) Petitioner is wife of the deceased government servant. The deceased government servant retired as Chief Pharmacist from the Health Department, Government of Punjab. He retired on 28.2.2010. His pensionary benefits were settled on different dates. An extract of the details of the payment of retiral dues made by the respondents are as under:-

<i>Sr.No.</i>	<i>Name of payment</i>	<i>Amount</i>	<i>Date of sanction</i>	<i>Sent to Treasury</i>	<i>Passed by Treasury</i>
1	Salary March 2010	33189/-	03/05/10	06/05/10	10/05/10
2	Leave encashment	261540/-	11/05/10	19/5/2010	21/5/2010
3	G.I.S.	30594/-	21/6/2010	24/6/2010	28/7/2010
4	Gratuity	519008/-	12/10/10	12/10/10	15/11/2010
5	Computation	468107/-	01/10/10	Directly paid Office	by Treasury
6	G.P.F.	274419/-	01/10/10	23.9.2010	21.12.2010

(3) The short question for consideration is whether the petitioner is entitled for interest on the belated settlement of Group Insurance Scheme, Gratuity, computation and GPF, which were paid belatedly by few months. In so far as leave encashment and salary for the month of March 2010 is concerned, there is not much delay.

(4) In view of delay of few months, whether the petitioner's late husband was entitled for interest or not is the question involved in the present petition.

(5) The petitioner's counsel vehemently submitted that even if the three months' grace period is taken from the date of retirement, still the deceased government servant is entitled for interest i.e. legal representative/petitioner.

(6) Learned State counsel resisted the arguments of the petitioner's counsel. The delay of about few months in settling the pensionary benefits was due to the extension of one month service was granted to the deceased government servant and the same was withdrawn in the month of March 2010. Therefore, there is some delay in settling the retiral benefits like Group Insurance Scheme, Gratuity, computation and GPF.

(7) Admittedly, there is a delay of few months in settling the various retiral benefits. Therefore, the petitioner is entitled for interest on belated settlement of retiral benefits, @ 9% per annum. The respondents are directed to calculate interest from June 2010 till the payment were made. The interest shall be paid to the petitioner within a period of 2 months from the date of order.

(8) The petition stands disposed of accordingly.

September 1st, 2015.
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(P.B. Bajanthri)
Judge