

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

CWP-25490 of 2013 (O&M)
Date of decision : 28.07.2015

Makhan Singh (since deceased)

...Petitioner

V/S

Financial Commissioner and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. C. L. Premy, Advocate for the petitioner

Mr. Luvinder Sofat, AAG, Punjab

JITENDRA CHAUHAN, J. (Oral)

CM No.2294 of 2015

CM is allowed.

The LR's of deceased petitioner-Makhan Singh, who expired on 06.01.2015 are taken on record subject to all just exceptions only for the purpose of pursuing the CWP.

Amended memo of parties is taken on record.

Main case

1. Through the present petition, the petitioner seeks interest on the delayed payment of retiral benefits.
2. Learned counsel for the petitioner submits that the petitioner was retired on 30.04.2012 on attaining the age of superannuation. He further states the order dated 07.05.2013

(Annexure R-2/1) had been passed whereby it was decided that the leave period from 29.12.2004 to 09.01.2006 shall be treated as duty period for all purposes and the petitioner shall be entitled for all the benefits for the said period, therefore, the petitioner deserves interest on the delayed payment.

3. Learned State counsel submits that the petitioner remained absent from duty from 29.12.2004 to 09.01.2006, while he was posted as Panchayat Secretary at Majri. The enquiry was conducted and allegation against him were proved. Vide order dated 16.01.2013, it was decided that no benefits for the above said period shall be granted to the petitioner. However, the same was reviewed by the Director of Rural Development and Panchayat, Punjab and order dated 07.05.2013 (Annexure R-2/1) had been passed whereby it was decided that the leave period from 29.12.2004 to 09.01.2006 shall be treated as duty period for all purposes and the petitioner shall be entitled for all the benefits for the said period.

4. Heard.

5. It is clearly mentioned in the reply, filed by the State, that the petitioner stands exonerated by the reviewing authority after passing of order dated 07.05.2013 by the Director, Department of Rural Development and Panchayat, Punjab, therefore, nothing remains against the petitioner. The order reads as under:-

“Keeping the above said factual position in

mind, the period of absence of Sh. Makhan Singh Panchayat Officer (retired) from 29.12.2004 up to 09.01.2006 is being treated as duty period for all purposes and he is entitled to all due financial benefits.”

In the considered opinion of this Court after the order dated 07.05.2013 had been passed by the competent authority and the period of absence from 29.12.2004 to 09.01.2006 had been ordered to be treated as duty period for all purposes, there was no occasion with the respondents for withholding the payment.

6. Accordingly, the present petition is allowed with a direction to the respondents to calculate the amount of interest @8% per annum on the delayed period and release the necessary payment within ten weeks from the receipt of certified copy of this order.

28.07.2015

ashok

**(JITENDRA CHAUHAN)
JUDGE**