

CWP No.26765 of 2013

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

CWP No.26765 of 2013
Date of decision: 19.02.2015

Nirmal Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the 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 ?

Present: - Mr. Manpreet Singh, Advocate, for the petitioner.
Mr. L.S. Virk, Addl. A.G., Punjab.

PARAMJEET SINGH, J. (ORAL)

Instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the interest @ 12% per annum on the payment of death-cum-retirement gratuity and other retiral benefits, including leave encashment, general provident fund, commuted pension and group insurance scheme as the same have been released to the petitioner after a considerable period.

Brief facts of the case are that petitioner retired from the respondent-department from the post of Senior General Foreman

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(Technician Grade-I) after attaining the age of superannuation on 31.08.2012. Grievance of the petitioner is that payment of death-cum-retirement gratuity and other retiral benefits, including leave encashment, general provident fund, commuted pension and group insurance scheme has been made to the petitioner after lapse of a considerable period, therefore, he is entitled to interest @ 12% per annum on the delayed payment. Hence, this writ petition.

In pursuance of the notice of motion, respondents appeared and filed reply to the writ petition. It is submitted that there was delay on the part of the petitioner in submission of his pension papers. The pension papers have been submitted on 23.11.2012. Thereafter matter was sent to the Accountant General (Audit & Entitlement), Punjab. Accountant General finalized the pension case of the petitioner on 17.12.2012. Thereafter, payment of leave encashment was made to the petitioner on 30.01.2013 i.e. within two months from the receipt of order of the Accountant General. Payment of group insurance scheme was made on 09.04.2013. Payment of general provident fund and death-cum-retirement gratuity was made to the petitioner on 03.05.2013 and 08.05.2013.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner submits that he is confining his prayer for interest only on the payment of general provident fund and

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death-cum-retirement gratuity as the same have been paid after a considerable delay i.e. about nine months after the retirement.

On the other hand, learned counsel for the State submits that fault lies with the petitioner as he was required to submit pension papers six months prior to his retirement whereas petitioner had submitted the pension papers three months after the retirement. After the submission of pension papers case was forwarded to the Accountant General. Thereafter, retiral benefits have been paid to the petitioner within six months after the finalization of the pension case by the Accountant General.

I have considered the contentions raised by learned counsel for the parties.

Although, petitioner is at fault as he did not submit the pension papers six months prior to his retirement as per Rule 9.2(1) Volume 2 of the Punjab Civil Services Rules. But the fact remains that after the passing of the order by Accountant General payment was not made to the petitioner for four months. Giving leverage to the department for process period i.e. six months from the date of submission of pension papers by the petitioner, petitioner shall be paid interest w.e.f. 01.04.2013 till date of payment on general provident fund and death-cum-retirement gratuity amount @ 7% per annum, however, no interest shall be paid on the other amounts. In addition to this, department shall also pay ₹ 5,000/- to the petitioner as costs. Needful shall be done

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within two months from the date of receipt of certified copy of this order.

Disposed of.

(Paramjeet Singh)
Judge

February 19, 2015
R.S.