

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

CWP No. 8847 of 2012 (O&M)

Date of decision: 04.05.2015

Tej Bhan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikram Singh, Advocate for
Mr. I.P. Goyat, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Naveen Bhardwaj, Advocate for respondent No.2.

Mr. Vijay Pal, Advocate for respondent No.3.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioner seeks quashing of the impugned order dated 13.01.2010 (Annexure P-5), whereby the gratuity of the petitioner has been computed in violation of the provisions of the Payment of Gratuity Act, 1972 and an amount of Rs. 79905/ has been withheld.

The learned counsel for the petitioner states that all the retiral benefits have already been released, however, no interest on the delayed payment has been paid.

On the other hand, the learned counsel for respondent No.2 refers to Annexure R-2, R2/2 and states that the petitioner has

already given an undertaking that he will not claim any interest in case the principle amount is released. He further states that the delay is attributed to the petitioner as he did not submit 'No Objection Certificate' in time.

The circumstances, under which the undertaking was made by the petitioner, have not come on record. Admittedly the payment was released after the delay of 11 years. Therefore, the undertaking, if any, given by the petitioner cannot be read against him. The State has used the amount which the petitioner was entitled to receive.

Accordingly, the petitioner is held entitled to interest on the delayed payment. Keeping in view the above, the present petition is allowed. The respondents are directed to pay the interest on the delayed payment @ 8% p.a., from the date of submission of NOC by the petitioner till the payment, within a period of four months from the date of receipt of a certified copy of this order.

04.05.2015

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(JITENDRA CHAUHAN)
JUDGE