

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CWP No.26907-2014
Date of Decision: 28.08.2015**

VIJAY KUMAR GUPTA

....Petitioner.

VERSUS

STATE OF PUNJAB & ORS

....Respondents.

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. R.D Anand, Advocate,
for the petitioner.

Mr. Anshul Gupta, Asstt. A.G., Punjab.

Mr. Vijay Kumar Jindal, Advocate,
for respondent No.3.

Mr. H.S Saggu, Advocate,
for respondents No. 4 and 5.

P.B BAJANTHRI, J. (Oral)

Challenge in the instant writ petition is to the order dated 10.10.2014 at Annexure P-5 and for direction to respondents to pay interest on the delayed payment.

The petitioner is stated to have been appointed as Lecturer in Physics on 14.08.1974. He attained the age of superannuation and retired from post of Associates Professors on 31.03.2010. Gratuity which is due to the petitioner was settled partially at the time of his retirement. The remaining gratuity of Rs. 6.5 lacs was paid on 01.10.2013 and the encashment of earned leave, which is due to the petitioner was paid on 14.07.2011. Therefore, in this petition, he claims that he is entitled for interest on belated settlement of balance gratuity amount and encashment of earned leave amount.

It is undisputed that the petitioner has attained age of superannuation and retired from service on 31.03.2010. His pensionary benefits should have been settled on or before 30.06.2010 as per the policy of the State. Thereafter, petitioner is entitled for interest on belated settlement of pensionary benefits. In the present case, the petitioner is entitled for interest on the balance gratuity amount of Rs. 6.5 lacs from 30.06.2010 till 01.10.2013. In so far as encashment of earned leave is concerned, he is entitled for interest from 30.06.2010 to 14.07.2011.

The respondents No. 4 and 5 are directed to calculate interest @ 9 % per annum on the balance gratuity amount as well as encashment of earned leave and the same shall be disbursed to the petitioner within a period of **three months** from the date of receipt of certified copy of this order.

In this writ petition, the petitioner has also questioned the validity of the order dated 10.10.2014 at Annexure P-5, by which the grievances of the petitioner has been denied. The same is set aside in view of the policy of the State Government relating to the belated settlement of pensionary benefits and entitlement of interest on the same.

The writ petition is, accordingly, disposed of in above terms.

28.08.2015

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(P.B BAJANTHRI)
JUDGE

