

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

(207)

CWP No.9586 of 2012 (O&M)
Date of Decision:- 15.09.2015.

Jasmail Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

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?

Present: Mr. Gurcharan Dass, Advocate, for the petitioner.

Mr. Vaibhav Sharma, DAG, Punjab.

Mr. Binderjit Singh, Advocate for
Mr. Nirmal Singh, Advocate for respondent No.5.

P.B. BAJANTHRI, J.(Oral)

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

“i) issue a writ, order or direction especially in the nature of mandamus directing respondents No.1 to 4 to release the pensionary benefits in favour of petitioner including gratuity, leave encashment along with interest @ 18% per annum from the date of retirement till its payment as also interest @ 18% per annum on the delayed payment of pension and commutation;

ii) Further issue a writ of mandamus directing respondents No.1 to 4 to finalize the claim of the petitioner regarding 18 years Proficiency Step up and pay the consequential benefits as per order dated 31.03.2010 passed in CWP No.1995 of 2010; change the date of option w.e.f. 01.01.1978, 01.01.1986 and 01.01.1996, pay one increment w.e.f. 02.01.1978 and all other benefits as mentioned in para 11 of the writ petition;”

The petitioner stated to have appointed in the Education Department on ad hoc basis on 23.05.1974. Her services were regularized w.e.f. 01.4.1977 and she was granted JST Grade in the pay scale of Rs.620-20-700-25-850-30-1000-40-1200 w.e.f. 17.11.1978 from the date of her passing B.A. Part-I. She has attained age of superannuation and retired from service on 31.08.2009. Her grievance is that there is inordinate delay in settling her retiral dues for which she is entitled for interest.

On the other hand, learned State counsel argued that no doubt there is a delay in settling retiral benefits. However, it is attributable to the petitioner since she did not comply office objections for settling retiral benefits. On 18.03.2010, she had filed an affidavit relating to grant of ACP benefit. The same was considered and finalized only on 04.01.2011. Thus, there is no delay on the part of the respondents in settling the retiral benefits. The petitioner has retired on 31.08.2009. Her retiral benefits were settled on various dates in the year 2011 and 2012. The last payment was made on 12.06.2012.

I have perused the records.

The respondents after finalizing the ACP benefit to the

petitioner on 04.01.2011 they have taken nearly 17 months time to settle her dues from 04.01.2011 the date on which ACP benefit was granted.

In view of these facts and circumstances, the petitioner is entitled to interest @ 9% per annum for the period from 01.03.2011 to 12.06.2012 for various amounts where I find that there is a delay on the part of respondents. The interest shall be calculated within a period of 8 weeks' and to disburse the same within a period of 8 weeks'.

Accordingly, the writ petition is disposed of.

15.09.2015
pooja saini

(P.B.BAJANTHRI)
JUDGE