

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

CWP No. 6084 of 2014
Date of decision: 13.10.2015

Ashok Kumar

....Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.R.K.Arora, Advocate, for the petitioner.

Mr.Pankaj Mulwani, DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

Petitioner seeks the relief of release of the interest element on the delayed payments of retiral benefits such as pension, commutation of pension, gratuity etc. and to release the interest @ 8% per annum on the delayed payment, as ordered by this Court in CWP No.15751 of 2013.

The petitioner had filed the abovesaid writ petition wherein a direction had been issued by this Court on 24.07.2013 (Annexure P9), to decide the representation, within a period of one month from the date of receipt of a certified copy of the order and to release the retiral dues within a period of one month, failing which, the petitioner would be entitled for interest @ 8% per annum from the date the dues became payable till the date of payment. Resultantly, the present writ petition has been filed, claiming the interest element.

In the written statement filed, the plea taken is that the petitioner retired on 31.05.2012 as a Superintendent with the Assistant Excise & Taxation Commissioner, Mobile Wing Jalandhar-1. He was served a chargesheet for wrongly drawing the salary of Rs.2,52,426/- and also that he had kept an amount of Rs.2,13,806/- with him and deposited the amount in instalments, beyond the

period for which he could retain the amount in the chest. The retiral benefits were given in the following manner:

Sr. No.	Retiral Benefits	Amount	Date of Payment
1	D.C.R.G.	Rs.6,30,531/-	12/02/14
2	Commutation of Pension	Rs.2,30,313/-	31.12.2013
3	Pension Arrears from 01.06.2012 to 31.12.2013	Rs.3,88,040/-	31.12.2013

In view of the order passed by this Court, the respondents were bound to pay the interest @ 8% per annum, on account of delay and the details of the interest has been mentioned, as under:

Sr. No.	Retiral Benefits	Amount	Date of Payment
1	On D.C.R.G.	Rs.22,903/-	19.03.2015
2	On Commutation Value of Pension	Rs.29,103/-	19.03.2015
3	On Arrears from 01.06.2012 to 31.12.2013	Rs.85,591/-	19.03.2015

A perusal of the above two details, would go on to show that for the retiral dues, in pursuance of the orders of this Court, the interest element has also been paid to the petitioner.

Counsel for the petitioner submits that the amount of interest is not as per the orders passed by this Court. It is, thus, apparent that a substantial amount of the interest amount, to the tune of Rs.1,37,597/-, has been paid and nothing has been show as to what amount is due and from which date. The writ petition, accordingly, stands disposed of. In case the petitioner has any grouse regarding the quantum of interest element, it is open to him to avail his alternate remedy, to recover the same, if any.

13.10.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE