

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9622 of 2013

Date of Decision:- 11.09.2015.

Jaswant Singh

.....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. Onkar Rai, Advocate for the petitioner.

Mr. Vaibhav Sharma, DAG, Punjab.

P.B. BAJANTHRI, J.

1.) In this petition, the petitioner has prayed for quashing of order dated 31.8.2012 (Annexure P-3) of the third respondent by which claim of the petitioner i.e., interest on belated settlement of retiral benefits has been rejected.

2.) The petitioner is stated to have been appointed as a Conductor in the office of the third respondent on 11.8.1977. He was promoted to the cadre of Inspector on 25.2.2011 and he has attained age of superannuation and retired from service on 31.03.2011. His retiral benefits were settled on 3.1.2012.

3.) His pensionary benefits were not timely settled due to his

promotion to the post of Inspector on 25.2.2011 and he was paid provisional pension due to the administrative reasons i.e. for settling his retiral benefits with reference to the promotional post of Inspector. There is a delay of about nine months.

4.) For the belated settlement of retiral benefits, the petitioner had requested the concerned respondent to release interest on the retiral benefits. The grievance of the petitioner regarding interest claim has been rejected by order Annexure P-3 dated 31.08.2012. Feeling aggrieved by the said order, the present petition has been filed.

5.) Learned counsel for the petitioner submits that even though he was entitled for promotion to the post of Inspector earlier to 25.2.2011 at the behest of the respondents, it was timely not granted. Further it was submitted that nine months delay has occurred for release of retiral benefits. It was further contended that he was promoted to the post of Inspector on 25.2.2011. His retiral benefits was to be calculated with reference to the post of Inspector for which the respondents have taken nine months. Therefore, he is entitled for interest on the belated settlement of retiral benefits.

6.) On the other hand, learned State counsel submitted that petitioner was promoted to the post of Inspector on 25.2.2011 and retired from service on 31.03.2011. Therefore, in order to calculate retiral benefits with reference to Inspector post, there is delay of nine months had occurred. Therefore, it was not an intentional delay in

settling retiral benefits.

7.) Having regard to the facts and circumstances for the purpose of calculation of retiral benefits in the cadre of Inspector, nine months' time is too long. Afterall it is only one person's calculation of retiral benefits.

8.) Accordingly, order Annexure P-3 dated 31.08.2012 is set aside and the petition is allowed.

9.) Having regard to the facts of the case, petitioner is entitled to interest at least from 1.7.2011 to 3.1.2012 @ 9 % per annum. The same shall be paid by the respondents within three months.

(P.B. BAJANTHRI)
JUDGE

September 11, 2015.

sandeep sethi