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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 11183 of 2013 (O/M)

Date of decision : 5.8.2016

B.R. Dhiman

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Raman B. Garg, Advocate, for the petitioner.

Mr. Deepak Grewal, Deputy A.G. Haryana.

Mr. Shubham Kaushik, Advocate, for respondent No. 4.

Mr. Arvind Seth, Advocate, for respondent No. 5.

Mr. Jatinder Nagpal, Advocate, for respondent No. 6.

Mr. Mukul Aggarwal, Advocate, for respondent No. 7.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

By way of the present writ petition, the petitioner, who is an Ex-Secretary, Municipal Corporation, Ambala, seeks the release of LTC allowance for the block period from 2008 to 2011, in terms of policy instructions dated 24.1.2011 (Annexure-P-4) read with policy instructions dated 5.2.2009. He also seeks interest at the rate of 12% per annum on the delayed payment of retiral benefits including the LTC. The petitioner had earlier approached this Court by way of filing the CWP No. 23418 of 2011, titled as B.R. Dhiman Versus State of Haryana and others, which was disposed of by this Court on 19.10.2012. It comes out that during the pendency of the said writ petition, all the retiral benefits were paid, except a

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sum of Rs. 33,321/-, pertaining to LTC and interest on account of delayed payment of retiral benefits. This Court, while disposing of the said writ petition, directed the petitioner to make a representation to the respondents. The petitioner moved a representation, which has now been decided, vide impugned order dated 4.2.2013 (Annexure-P-3). While declining the interest on the delayed payments, following reasons were given :-

“ As far as the grant of interest as claimed by the applicant in his representation on the delay payments on account of retiral benefits is concerned, it is submitted that the amounts has been released to the applicant as and when the amounts become available and thus there is no negligency (sic) on the part of the department. Hence, the department is not liable and the applicant is not entitled to have any interest on the delayed payments.”

For the LTC, it was stated that the case was kept pending till the decision of the Government. The operative part of the said order is reproduced as under :-

“ In view of the facts and circumstances stated above, the request of the applicant for grant of LTC is kept pending till decision of Government and interest on delayed payments is no considered. The copy of this letter be sent to the applicant.”

It comes out that during the pendency of the present writ petition, some amount has been deposited in the account of petitioner for LTC. However, according to the petitioner, this is not complete amount, which should be one month's salary and the same is not equal to one month's salary. The LTC policy was implemented to the municipalities, vide policy instructions dated 24.1.2011 (Annexure-P-4).

After hearing the learned counsels for the parties, I am of the view that the fact that the amount became available later on is no ground to

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delay the payment of LTC.

Accordingly, for the delayed payment, the petitioner is held entitled for interest at the rate of 9% per annum. Regarding the LTC, the claim of the petitioner that it is not equal to one month's salary. In these circumstances, the respondents are directed to calculate one month's salary and if the amount deposited is less than the same, the balance amount shall also be deposited in the account of the petitioner within one month. However, for the delayed payment of LTC, the petitioner is held entitled for interest at the rate of 9% per annum.

The present writ petition is allowed.

(KULDIP SINGH)
JUDGE

5.8.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No