

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 14868 of 2012
Date of Decision:- 03.02.2016

Gurcharan Dass Chopra

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. B.S. Sudan, Advocate,
for the petitioner.**

**Mr. Gourav Goel, Assistant Advocate General, Haryana
for the State.**

**Mr. C.S. Singh, Advocate
for Mr. G.S. Hooda, Advocate,
for respondent No.3.**

RITU BAHRI, J. (Oral)

Petitioner-Gurcharan Dass Chopra has approached this Court by way of instant writ petition filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus for directing the respondents to release the retiral benefits i.e. Gratuity, Leave Encashment etc., arrears of revised house rent allowance, remaining legally due provident fund amount, salary w.e.f. 01.03.2011 to 30.08.2011, arrears of salary on account of revised pay scale etc. along with interest @ 12%

per annum from the date the said amount became payable. 7

The petitioner was retired as Clerk from Improvement Trust, Sonapat on 30.08.2011 (Annexure P-1), after serving 33 years and 8 months of regular satisfactory service. The revision of pay scales was made in the State of Haryana on the basis of the recommendations of the 6th Pay Commission. The petitioner was not paid the revised salary, after revision of pay scales, by the Improvement Trust w.e.f. 01.01.2006. The provident contribution w.e.f. March 2011 to August 2011 was not deposited by the concerned authorities. Thereafter, when the service and retrial benefits were not released even after one month of his retirement, the petitioner made his representation on 11.09.2011 (Annexure P-3) and reminders (Annexures P-4 to P-6).

On notice, a written statement has been filed on behalf of respondent No.3. As per reply, the following payments have been made to the petitioner; i) amount of wages from March 2011 to August, 2011 i.e. for a period of six months, vide cheque No.138044 dated 18.09.2012 for a sum of ₹1,78,766/-, ii) amount of provident fund from 01.03.2011 to 31.08.2011, vide cheque No. 138045 dated 18.09.2012 for a sum of ₹10,758/-, iii) Gratuity amount of ₹4,76,817/-, vide Cheque Nos.260624 dated 18.09.2012 and 138043 dated 18.09.2012; iv) amount of earned leave encashment of ₹1,88,980/-, vide cheque No.138050 dated 11.10.2012; and v) amount of provident fund of ₹8,46,150/- released on 24.02.2012.

Petitioner filed replication to the written statement of respondent No.3, by way of affidavit and has given the details of payment

made to him after his retirement, which is as under: -

<i>Sr. No.</i>	<i>Particulars</i>	<i>Amount (in Rs.)</i>	<i>Paid on</i>	<i>Delay</i>
1	Gratuity	₹4,76,817/-	26.09.12	1 year, 26 days
2	Leave Encashment	₹1,88,980 /- (Part Payment)	18.10.12	1 year, 1 month, 18 days
		₹1,00,000/- (Remaining payment_		1 year, 3 months
3	Salary w.e.f. 01.03.11 to 31.08.11	₹1,78,766	25.09.12	More than 1 year

Besides the abovesaid payment, the respondents have not released the following dues: -

- “i) Arrears of revised Pay Sclae w.e.f. 01.01.2006 till November 2009.
- ii) Arrears of revised House Rent allowance w.e.f. 01.01.2009 to 31.10.2009.
- iii) Interest on the Provident Fund amount of ₹8,46,150/ -
- iv) Provident Fund Contribution (Employer's share) on the difference of Salary on account of revised Pay Scale w.e.f. 01.01.2006 to November, 2009.”

As per additional affidavit dated 16.06.2014, filed by Amit Khatri, S.D.O., Civil-cum-Authority, Town Improvement Trust, Sonipat, the delay cause in payment of arrears, arising to the petitioner on account of non-availability of permanent staff and paucity of funds and the same was not intentional.

Learned counsel for the petitioner contends that an amount of ₹1,72,867/- was paid to the petitioner on 22.01.2016 towards arrears of revised Pay Scale w.e.f. 01.01.2006 to November 2009. Learned counsel for the petitioner further submits that as per settled law, the pensionary benefits are to be released to the retiree within three months from the date of retirement but till day, retirement benefits of the petitioner have not been released.

Heard learned counsel for parties.

Thus, the department has already taken so much time to release the dues to the petitioner. Reference at this stage can be made to judgments of Hon'ble the Supreme Court of India in cases *of D.D. Tewari (D) through LRs vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others, 2014 AIR (SC) 2861 and Megh Varan Sharma vs. State of U.P and others, 2015 (1) S.C.T (12)*, wherein payment of retiral benefits was delayed by the respondent-department and it has been held that the petitioner was entitled to interest @ 9% per annum from the date of entitlement till the date of actual payment.

Applying the ratio of the above mentioned judgments, this petition is being ***disposed of*** by awarding interest at the rate of 9% on the delayed payment as well as on the balance dues.

February 03, 2016
naresh.k

(RITU BAHRI)
JUDGE