

The learned counsel for the petitioner has brought on file the copy of the judgment, passed by this Court in CRA-2167-SB-2006 and CRA-2200-SB-2006 on 27.8.2014 (Annexure-P-2) by way of filing CM No.

CWP No. 10386 of 2014 (O/M)

16116 of 2015 in CWP No. 10386 of 2014, which shows that during the pendency of the present petition, Avtar Singh (Sub Inspector) was acquitted of the charges framed against him. However, so far as the conviction in the criminal complaint is concerned, that is intact. According to the learned counsel for the petitioner, in the criminal revision filed before this Court, the sentence was reduced to six months rigorous imprisonment, which he had already undergone. Avtar Singh died on 7.4.2012. The prayer of the petitioner in this case is for release of gratuity and leave encashment.

The State, in the reply, has taken the stand that the GPF, amounting to Rs. 3,26,730/-, has been released and receipt in this regard is Annexure-R-1/T. The GPF amount is stated to be released in the year 2014.

The claim of the petitioner now surviving for consideration is regarding the release of his leave encashment and the interest on the delayed payment of GPF.

I have heard the learned counsel for the petitioner, the learned State counsel and have also carefully gone through the file.

So far as the amount of GPF is concerned, even if Sub Inspector Avtar Singh was dismissed from service, the GPF amount was to be released and could not be retained without issuing any show cause notice or without holding any departmental proceeding and, therefore, for the delayed payment of GPF, the petitioner is entitled to interest at the rate of 9% per annum. Regarding the leave encashment, it is not claimed in the written statement that the same has been released. Therefore, the leave encashment, so far as due, shall be released to the petitioner, if not already released, with interest at the rate of 9% per annum.

Accordingly, the present petition is allowed. The respondents

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are directed to pay interest at the rate of 9% per annum to the petitioner on the delayed payment of GPF, starting three months from the date of passing of first dismissal order of Sub Inspector Avtar Singh from his service and the leave encashment shall also be released with interest at the rate of 9% per annum from the said date of dismissal. The payment shall be released within three months from the date of receipt of certified copy of this order.

(KULDIP SINGH)
JUDGE

10.8.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No