

CWP No. 10649 of 2014
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
 CHANDIGARH**

CWP No. 10649 of 2014
Date of Decision: 26.07.2016

RAJ SINGH

... Petitioner

VS.

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

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

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Padamkant Dwivedi, Advocate,
 for the respondents No. 2 and 3.

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

KULDIP SINGH (J.)

The petitioner who was previously working in Municipal Council, Sonipat was absorbed in Haryana State Agriculture Marketing Board after the abolition of Octroi in the State of Haryana and joined as Auction Recorder. The petitioner thereafter, retired from service on 31.12.2010 from the Haryana State Agriculture Marketing Board. As the retiral benefits were not released to him, so he had filed the writ petition bearing No. CWP No. 9686 of 2011. During the pendency of the said writ petition, the retiral benefits were released. In the said writ petition, the learned counsel for the petitioner had also pressed for interest on the delayed retiral benefits. Accordingly, vide order dated 26.11.2013, this Court directed the petitioner to make representation mentioning the delay in release of the retiral benefits and respondent Nos. 3

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and 4 were directed to consider the same and release the interest on the delayed payments to the petitioner within a period of four months after the filing of the writ petition.

Now, the respondents have passed a speaking order dated 24.04.2014 (*Annexure P-7*), denying the interest on the delayed payment.

I have heard learned counsel for the parties.

On behalf of the State, it is stated that the petitioner retired on 31.12.2010 and he himself submitted the pension papers on 19.01.2011 i.e. after the lapse of 19 days from the date of his retirement. It is further stated that the payments regarding pension and other consequential benefits has been paid as under: -

PARTICULARS	AMOUNT PAID	DATE OF PAYMENT
Provident Fund	₹ 2,90,697/-	10.03.2011
Arrears of ACP	₹91,451 /-	11.11.2011
Leave encashment	₹ 1,72,120/-	26.05.2012
Gratuity	₹ 2,49,574/-	12.12.2012
Pension	₹ 2,38,473 /- (Commutation) ₹ 2,19,832/- (Arrears)	12.12.2012.
Medical Allowance	₹ 11, 500/-	12.12.2012

In the aforesaid details, the respondents have mentioned the amounts alongwith the dates of payment. Learned counsel for the petitioner states that these dates are only the dates of sanction of payment but not the dates of actual release of payments.

So far as the payments of arrears of the ACP, leave encashment, gratuity, medical allowance, provident fund are concerned, no papers are required to be filed by the concerned employee. It was only for the pension that

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the papers were required to be submitted and for that purpose the Government has given instructions from time to time which are mentioned in Punjab Civil Services Rules 9.4, Volume II, Chapter-9 as applicable to Haryana, which shows that it is the duty of the department to move the pension case of the employees. As per such rules, every head office is required to undertake the work of preparation of pension papers two years before the date on which an employee is due to retire. If the department move the case and the employee delays in fulfilling the requirements only then he is liable for the delay.

The present case is not the one in which as per the instructions given in the Punjab Civil Services, Volume-II, Chapter 9 as applicable to Haryana, the case was moved within time. Therefore, the impugned order dated 24.04.2014 (*Annexure P-7*), is set aside. The respondents are directed to pay 9 % per annum interest which shall start running after the three months from 31.12.2010 i.e. the date of retirement of the petitioner till the payment is actually made.

Since, the respondent have failed to comply with the previous order passed by this Court for the payment of the interest, rather the respondents have passed the speaking order refusing to pay the interest, therefore, respondents are imposed with the cost @ ₹ 25,000/-.

Accordingly, the petition stands allowed.

July 26, 2016

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

Whether speaking / reasoned

✓

Yes / No

Whether Reportable

✓

Yes / No