

**210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.15056 of 2013 (O&M)
Date of decision : September 07, 2016**

Amarjit Kaur

..... Petitioner

Versus

State of Pujab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Meenu Salwan, Advocate for the petitioner.

Mr. R.S. Pathania, DAG, Punjab.

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 ?

KULDIP SINGH J. (ORAL)

Petitioner retired as Head Mistress on 31.10.2009 after attaining the age of superannuation from the Department of Education, Punjab. The grouse of the petitioner is that out of the total gratuity of ₹5,86,113/-, the gratuity of ₹5,27,502/- was released to the petitioner after a long delay of 1 year 4 months and that the balance payment to the tune of ₹58,611/- was released much later on 31.12.2012. The petitioner seeks interest on the delayed payment.

On behalf of the State, a stand has been taken that 'No Objection Certificate' from the Vigilance Department was not produced and some complete papers were also not submitted and a show cause notice was issued to him, which was ultimately dropped.

It is clear that no action was taken against the petitioner. Merely issuance of a show cause notice without taking any action is no ground to withhold the payment of gratuity to the petitioner, particularly,

when the petitioner had retired and all the service documents are with the respondents. Therefore, the petitioner is entitled to interest @ 9% per annum on the delayed payment of gratuity, starting three months after the date of retirement till the date of actual payment on the release of ₹5,27,502/- and the balance payment of ₹58,611/-. The payment be made within three months from the date of receipt of copy of this order.

As such, the present petition is allowed.

(KULDIP SINGH)
JUDGE

September 07, 2016

sarita

Whether speaking / reasoned Yes

Whether Reportable: No