

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

**CWP-15111-2013 (O&M)
Date of decision: 21.07.2016**

Sita Ram

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Raman Mohinder Sharma, Advocate for the petitioner
Mr.R.S.Pathania, DAG Punjab

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Petitioner, who has retired as a Senior Assistant from the office of Sub Divisional Magistrate, Lehra, District Sangrur seeks issuance of a writ in the nature of mandamus directing the respondents to pay interest @ 18% per annum on the delayed payment of retiral benefits.

Without going into the details of the facts, it comes out that the petitioner retired on 31.3.2012. As per the averments made in the petition, the payments were released as under:-

<i>Description</i>	<i>Amount</i>	<i>Date of payment</i>	<i>Delay</i>
<i>Leave Encashment</i>	<i>Rs.4,05,430/-</i>	<i>17/5/2012</i>	<i>1 month and 17 days</i>
<i>Gratuity</i>	<i>Rs.6,68,960/-</i>	<i>24/8/2012</i>	<i>4 months 24 days</i>
<i>GIS</i>	<i>Rs.35,866/-</i>	<i>09/08/12</i>	<i>8 months 9 days</i>

<i>Description</i>	<i>Amount</i>	<i>Date of payment</i>	<i>Delay</i>
<i>GPF</i>	<i>Rs.17,96,393/-</i>	<i>05/09/12</i>	<i>5 months 5 days</i>

The State in the reply, has tried to put the blame on the petitioner stating that he has not submitted the required papers in time. It is stated that the pensionary papers were filled in only on 20.2.2012 and the same were forwarded to the office of the Accountant General, Punjab on 21.2.2012. The State has denied having delayed the payments.

I have heard learned counsel for the parties and have carefully gone through the file.

I am of the view that though the pension papers are alleged to have been filled in on 20.2.2012 i.e. more than one month before the date of retirement but there are no averments that any papers are required to be filled in for release of leave encashment, gratuity, GIS and GPF. Once the employee is retired, it was the duty of the department to release these payments without any request having been made by the employee unless due to some disciplinary proceedings the department decided to withhold the same or the employee makes a request for withholding the same for one or the other reason. In this case, the payments were delayed without any reason. These payments were required to be released within two months from the date of retirement.

Therefore, I am of the view that for the delayed payment of Gratuity, GIS and GPF beyond the period of two months, the petitioner is entitled to interest @ 9% per annum, keeping in view the prevailing bank rate. The respondents are directed to release the payment of interest on the delayed payment of Gratuity, GIS and GPF beyond the period of two months, within three months from the date of receipt of a certified copy of

this order.

The petition is accordingly allowed.

21.07.2016

gk

(Kuldip Singh)
Judge