IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 12.04.2016

CWP No.159 of 2016

Ramesh Kumari ...Petitioner

Vs.

State of Punjab & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.K.Arora, Advocate, for the petitioner.

Dr. Puneet Kaur Sekhon, Addl. AG, Punjab.

1. *To be referred to the Reporters or not?*
2. *Whether the judgment should be reported in the Digest?*

RAJIV NARAIN RAINA, J. (ORAL)

Written statement on behalf of respondents No.1 to 3 filed in Court. Taken on record. Copy supplied.

In para.3 of the short reply filed by way of affidavit on behalf of the Principal Accountant General (A&E), Punjab Chandigarh – respondent No.4, the following submissions have been made:

> *"3. That the pension case of the petitioner complete in all respects has been received from the Department i.e. Block Primary Education officer, Pathankot-I vide their letter dated 19.02.2016 and the same has been finalized by the office of the answering respondent on 23.03.2016 by issuing necessary authorities for payment of death –cum- retirement gratuity (DCRG), pension and commuted value of pension in favour of*

> *the petitioner. The pension case of the petitioner now stands finally settled. Hence no cause of action has arisen to the petitioner against the office of the answering respondent."*

Since the matter has been settled, no further directions are required except that the State, which has filed a separate reply in Court today, is directed to pay the admitted outstanding dues to the petitioner within six weeks from the receipt of certified copy of this order.

The petitioner retired from service on 31.05.2015 and his pension and other dues have been withheld without any order passed in writing disclosing reasons. Hence the amounts withheld are without just cause or legal justification and, therefore, Mr. Arora is not incorrect in his submission that the amount should earn interest.

Consequently, a direction is issued to the respondents that together with the principal amount, interest at the statutory rate prescribed for interest on long term deposits in Nationalized Banks be given to the petitioner, as compensatory in nature for lack of use of money for a substantially long time. However, the interest will be calculated from three months after the date of superannuation till realization. The total amount, principal plus interest, be paid within the time allowed as above.

The petition is accordingly accepted.

12.04.2016 **[RAJIV NARAIN RAINA]**
Vimal **JUDGE**