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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 17183 of 2015 (O/M)
Date of decision : 12.7.2016

Dharam Chand .... Petitioner (s)

Versus

State of Punjab and others .... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Surinder Garg, Advocate, for the petitioner.

Mr. R.S. Pathania, Deputy A.G. Punjab.

Mr. H.K. Aurora, Advocate, for respondent No. 3.

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 ?

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KULDIP SINGH J. (ORAL)

The petitioner, who was working as a Junior Assistant with respondent No. 3-Municipal Council, Mansa, retired from service on 31.5.2013.

The present petition was filed for issuing the writ in the nature of mandamus directing the respondents to pay certain arrears on account of leave encashment, delayed payment on gratuity, interest on GPF and arrears of pay etc. Previously, the petitioner had approached this Court by way of filing CWP No. 21999 of 2014, which was disposed of on 1.12.2014, without issuing notice to the respondents, directing the respondents to consider the claim in the legal notice dated 3.7.2014, within a period of three months. Consequent thereto, respondent No. 3-Municipal Council, Mansa, passed the speaking order dated 4.3.2015 (Annexure-P-2). The perusal of the speaking order dated 4.3.2015 (Annexure-P-2) shows that the amount of gratuity, leave encashment, GPF and arrears of salary etc. were paid on different dates between 3.6.2013 to 3.3.2015, as detailed in the said speaking order.

The short prayer of the petitioner is that the amount of the retiral benefits was to be paid immediately after the retirement and for the delayed payments, he is entitled to interest. Further prayer is that the income tax was wrongly deducted on account of arrears from April 1999 to 31.5.2013 and on account of leave encashment also. Therefore, he is entitled for refund of the same.

Admittedly, the petitioner retired from service on 31.5.2013. The retireal benefits were required to be paid within a reasonable time, which is deemed to be of two months. The perusal of the speaking order shows that only one payment of Rs. 50,000/- (stated to be wrongly typed and actual amount is claimed to be Rs. 5,00,000/-) was made on 3.6.2013 and the remaining payments were made late. Accordingly, the respondent-Municipal Council, Mansa, is directed to pay 9% interest on the delayed payments with effect from 1.8.2013 till the date of actual payment, as indicated in the said order. Regarding the income tax deducted from the arrears of salary, the respondent shall issue requisite form and the petitioner can always claim refund from the income tax authorities, as permissible in law.

The petition is allowed, as indicated above.

(KULDIP SINGH)
JUDGE

12.7.2016
sjks