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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 21192 of 2013 (O&M)
Date of Decision: 08.11.2016

RAJINDER PAL GAUTAM ***… Petitioner***

V/S

STATE OF PUNJAB & OTHERS ***...Respondents***

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Neeraj Sharma, Advocate, for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

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KULDIP SINGH, J. (Oral)

The petitioner who retired as Junior Engineer from the Public Health Department, Punjab, has invoked the writ jurisdiction under Articles 226/227 of the Constitution of India for quashing the order dated 22.11.2012 *(Annexure P-6)* passed by the respondent No. 4 vide which the recovery of ₹37,630/- has been effected from the gratuity of the petitioner. The petitioner also sought writ of mandamus for directing the respondents to pay interest @18% on the delayed payment of the retiral benefits.

Learned counsel for the petitioner has stated that the order dated 22.11.2012 *(Annexure P-6)* has since been withdrawn, therefore, he does not press the relief for quashing of the said order. Now, the claim survives only for the interest on the delayed payment of the retiral benefits of the petitioner.

In the petition, the petitioner has stated that he retired from service on 30.06.2012 and following retiral benefits were released to him alongwith the dates mentioned against the same:-

1.	GPF	₹ 5,30,130/-	17.10.2012
2.	Leave Encashment	₹ 4,10,360/-	17.10.2012
3.	Pension	₹ 1,04,718/-	05.12.2012
4.	Commutation of Pension	₹ 4,97,840/-	01.02.2013
5.	Group Insurance	₹ 31,176/-	02.04.2013
6.	Gratuity	₹ 6,37,006/-	07.06.2013

In the written statement, the respondents have taken the stand that the pension papers were submitted on 21.05.2012 i.e. one month prior to the retirement of the petitioner whereas the petitioner should have submitted the same six months before his retirement as per Punjab Civil Services Rules. Regarding the DCRG payment, it is stated that the bills of DCRG were sent to the Treasury Office, Ludhiana on 27.11.2012 but some objection were raised by the District Treasury Officer and the same were re-submitted on 26.12.2012 and again some objections were raised in April 2013. Thereafter, the bills were again submitted on 18.04.2013 which were again rejected and re-submitted on 23.05.2013 and the office of District Treasury Office, Ludhiana finally passed the bills on 07.06.2013. The commutation of pension was delayed on account of the objection that the papers were not signed by the petitioner in time. Hence, no interest is to be payable to the petitioner.

According to the respondents, the pension was released on 12.10.2012, leave encashment and GPF were released on 13.10.2012, GIS released on 02.04.2013 and commutation of pension released on 01.02.2013 and DCRG on 07.06.2013.

I have heard learned counsel for both the parties.

The plea of the respondents is that the pension papers were submitted on 21.05.2012 whereas, in the replication, the petitioner has taken the stand that these were submitted in January 2012.

The respondents have not produced on file the letter vide which the petitioner was informed to fill in the papers regarding pension. In any case, if it is assumed that the petitioner had submitted the pension papers one month prior to his retirement even then the respondent-department had three months to release the pension after the date of retirement of the petitioner. The pension was required to be made till 30.09.2012 but the same was paid with negligible delay on 12.10.2012. Likewise, GPF and Leave Encashment was also paid with delay. However, GIS arrears were released on 02.04.2013, commutation of pension in 01.02.2013 and gratuity was also released on 07.06.2013.

The raising of the objections by the Treasury Office in respect of GPF bills, is an internal matter of the Government and the petitioner is not to be blamed for the same. The objection was also taken that some recovery was due, however, it is not disputed that the same was later on withdrawn and that the petitioner had not signed the papers for grant of commuted value of pension. In any case, before submission, it was the duty of the employer to check all the papers to see as to whether all the formalities have been complied with or not.

As such the petitioner is entitled to interest @ 9% per annum on the delayed payment of GIS, commuted value of pension and gratuity starting from 30.09.2012 till the date of actual payment as per the reply of the respondents.

In view of the above, the present petition stands allowed.

November 8, 2016 **[KULDIP SINGH]**
Suresh Kumar **JUDGE**

	✓		
Whether speaking / reasoned	***Yes***	/	***No***
			✓
Whether Reportable	***Yes***	/	***No***