

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

**CWP No.21441 of 2013 (O&M)
Date of decision : November 16, 2016**

Swatantar Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Rajat Bansal, AAG, 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)

The short prayer made by the petitioner is for grant of interest on the delayed payment of retiral benefits. The petitioner retired as Mathematics Master from Govt. Senior Secondary School, Gujja Majra, Patiala on 31.08.2012 on attaining the age of superannuation. Petitioner claims that his GPF, leave encashment, GIS as well as commutation of pension and revised pension were released on 23.01.2013 and 31.01.2013 and DCRG was released on 31.03.2013 i.e. with a delay of five to seven months. Hence, the petitioner is entitled to the interest on the delayed payment of retiral benefits.

In the reply, the respondents have taken the stand that the case of the petitioner was processed and the pension payment order dated 26.07.2012 was issued i.e. before his retirement. However, just three months before his retirement i.e. on 18.05.2012, the petitioner was promoted as Lecturer in History and joined as such in the respondent's No.4 school on 23.05.2012. In view of the promotion of the petitioner, his pay was required

to be re-fixed. Consequently, all the retiral benefits were also to be re-fixed, which resulted in delay. All the retiral benefits were released within five months except DCRG. It is stated that now, interest of ₹19,602/- has been deposited in the account of the petitioner on 30.06.2015 on account of the delayed payment of GPF.

After hearing learned counsel for the parties, I am of the view that since the petitioner was promoted only little more than two months before his retirement and his pay was required to be re-fixed and all the pensionary benefits were to be re-calculated, therefore, the delay is of two months i.e. after extending three months from the date of retirement in which the payment was to be released, which cannot be called intentional.

Hence, the petitioner is not entitled to the interest on the delayed payments of retiral benefits made in the month of January, 2013. However, regarding the delayed payment of GPF, the interest has already been deposited in the account of the petitioner. Therefore, nothing more is payable to the petitioner. However, since the payment of DCRG was made with delay beyond the requisite period of three months, therefore, the respondents are liable to pay interest @ 9% per annum starting three months after the date of retirement till the date of payment.

As such, the present petition is partly allowed.

(KULDIP SINGH)
JUDGE

November 16, 2016

sarita

Whether speaking / reasoned Yes

Whether Reportable: No