

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.24805 of 2012
Date of decision: 14.3.2016

Sulakshna Devi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Rajpaul Kansal, Advocate for the petitioner.

Mr. L.S.Virk, Addl. Advocate General, Punjab.

G.S.SANDHAWALIA, J, (Oral)

The petitioner seeks the benefit of interest on the delayed pensionary benefits.

It is case of the petitioner that she retired as Lecturer on 30.9.2011 and the payment in respect of the commutation of pension was made on 30.11.2011. However, for other retiral benefits it is the case of the petitioner that there was delay and therefore, she was entitled for interest.

The State in its reply has given a table with regard to break ups of the payments made under various heads to the petitioner which is reproduced below:-

Sr. No.	Pensionary Benefit	Sanctioned on	Amount	Paid on	Delay	Reason for delay
"1.	Pension	27.5.2011	Disbursed by Treasury Officer	--	No delay	--
2.	Commutation of pension	27.5.2011	6,42,291/-	30.11.2011	No considerable delay	Amount was paid within two months after her retirement.
3.	G.P.Fund	4.1.2012	9,77,311/-	9.3.2012	The petitioner herself responsible for delay as she applied for final payment of GPF on 26.12.2011.	Bill was sent to the Treasury Officer, Nabha vide bill no.99 dated 6.1.2012.

Sr. No.	Pensionary Benefit	Sanctioned on	Amount	Paid on	Delay	Reason for delay
4.	D.C.R.G.	3.10.2011	7,64,891/-	29.3.2012	No delay on the part of the answering respondent.	Bill was sent to the Treasury Officer, Nabha vide bill no.70 dated 18.10.2011.
5.	Leave encashment	15.2.2012	5,30,250/-	9.3.2012	An amount of Rs.7600/- paid as interest @ 8.6% for the period w.e.f. 1.1.2012 to 29.2.2012 through cheque no.805619 dated 29.1.2014."	

A perusal of the above table would go on to show that explanation has been given for the delay for the G.P. Fund. Regarding leave encashment interest has already been paid from 1.1.2012 to 29.2.2012 by the State itself at the rate of 8.6%. However, the explanation for the claim of DCRG of ₹ 7,64,891/-, is that the bill was sent on 18.10.2011 and payment was made on 29.3.2012.

Thus, it is apparent that under the head of DCRG, the petitioner is entitled for the interest at the rate of 8.6% per annum from 1.12.2011 to till the date of its realisation in view of Full Bench judgment in **A.S.Randhawa Vs. State of Punjab 1998(1) S.C.T. 343**. The petitioner is also entitled for the interest on the payment of leave encashment at the same rate for the month of December, 2011.

Accordingly, the petitioner be paid interest at the rate of 8.6% per annum under the aforesaid heads within a period of two months from the date of receipt of a certified copy of this order. In case the amount is not paid within the specified period, the State will pay the interest at the rate of 10%.

Accordingly, the present writ petition is disposed of in the aforesaid terms.

March 14, 2016
Pka

(G.S.SANDHAWALIA)
Judge