

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

CWP-24399-2013

Date of decision: 22.07.2016

Madan Gopal**.....Petitioner****versus****Life Insurance Company of India and another****.....Respondents****CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.Aman Bansal, Advocate for the petitioner
Mr.Prateek Mahajan, Advocate for the respondents

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

The short prayer of the petitioner is for grant of interest on the delayed payment of retiral benefits.

Petitioner retired as Assistant Administrative Officer from LIC on 30.9.2013. The short affidavit filed on behalf of the respondents shows that GSLI (saving portion) and PF were released in time. Gratuity, leave encashment and additional gratuity was released on 14.12.2013. The provisional pension was released on 1.12.2013. Commuted value of pension Rs.2,51,404/- was released on 14.2.2015 and Rs.1,71,101/- was released on 17.10.2015.

Learned counsel for the respondents has argued that in this case, vigilance inquiry was pending. Therefore, some portion of commuted value of pension was withheld. However, later on the department decided to take a lenient view and release the pension. Learned counsel has placed reliance upon the authority of this Court in Balraj Singh vs. State of Punjab and

others, 2014 (4) PLR 835. In the said case, there were allegations of forgery and embezzlement. Matter was also reported to the police. Charge sheet was also issued which is not there in the present case. It was only an internal inquiry which was pending in which the department decided not to take any action against the petitioner.

In these circumstances, the petitioner is held entitled to interest on the delayed payment. For the purpose of release of retiral benefits, two months time is deemed to be reasonable within which the benefits should have been released. Therefore, for the delayed payment beyond two months regarding gratuity, leave encashment, additional gratuity, commuted value of pension, the petitioner shall be entitled to interest @ 9% per annum till the date of payment.

The petition is accordingly allowed.

22.07.2016
gk

(Kuldip Singh)
Judge