

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.21405 of 2015

Date of Decision: 19.01.2016

Harbans Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vikas Lochab, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

1. Heard learned counsel for the petitioner.
2. The claim is for interest on delayed payments of General Provident Fund which was due and payable on October 31, 2014 when the petitioner retired from service on reaching the age of superannuation. The amount was paid on May 08, 2015 i.e. after a delay of about 7 months. The claim for interest is based on the Full Bench ruling of this Court in ***A.S. Randhawa vs. State of Punjab and others, 1997(3) SCT 468*** that such a claim for money would lie within the writ jurisdiction to claim interest alone on delayed payment of pension and pensionary benefits.

3. Notice of motion.

4. Mr. Vaibhav Sharma, DAG, Punjab accepts notice on behalf of the respondent-State and waives service on them.

5. Learned counsel for the petitioner has assured the Court on facts asserted that there was no impediment in the way of the petitioner by way of charge-sheet etc. which may have caused delay. If there is nothing adverse against the petitioner which is confirmed by the supporting fact that the amount stands paid to the petitioner though belatedly then a direction should go to the respondents to calculate and pay interest on the amount of Rs.1,060,231/- duly sanctioned by letter dated April 24, 2015. As the right to receive interest on delayed payments of pension and terminal benefits including GPF money is only too well settled, there is no need to call for a reply by the State in a trifling matter which requires no further debate.

6. Mr. Sharma, however, submits that the respondent State may be granted liberty to the extent, that if there are any extenuating circumstances it would be free to apply in the disposed of matter for varying the order and bring its doubts as to payment of interest to the notice of the Court for any further orders as may be required to be passed in the interest of justice. Liberty is granted in case there is a point to urge in favour of the State.

7. Consequently, this petition is allowed. A direction is issued to the respondents to calculate and grant interest as above and to discharge the debt within one month from the date of receipt of certified copy of this order. The interest would run on the principal amount from the date of retirement at current bank rates admissible on Fixed Deposit Receipts in Nationalized Banks. However, State is free also to recover interest amount

from its erring officials who delayed the matter.

(RAJIV NARAIN RAINA)
JUDGE

19.01.2016
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