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

**C.W.P No. 21953 of 2015**
**Date of decision : 31.05.2016**

**Amar Chand** ...**Petitioner**

**versus**

**State of Haryana and others.**
**...Respondents**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Mohan Lal Singla, Advocate for the petitioner.

Mr. M.S. Sidhu, Addl. A.G. Haryana.

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**RITU BAHRI , J. (Oral)**

The petitioner is seeking quashing of the order dated 11.06.2015 (Annexure P-16) whereby his claim for interest on delayed payment of retiral benefits, has been denied.

Initially, petitioner-Amar Singh was appointed on 01.01.1975 as Peon in the Haryana State Minor Irrigation and Tubewell Corporation (HSMITC) Ltd. and he served as such till 18.01.2002 when he was absorbed in the Excise and Taxation Department. He retired on 30.09.2007 as driver. After retirement, he filed Civil Writ Petition No. 19294 of 2010 seeking direction to the respondents to grant him the benefit of the service which he had rendered with the Haryana State Minor Irrigation and Tubewell Corporation Ltd. from 01.01.1975 to 18.01.2002 before his absorption in Excise and Taxation Department, on the basis of revised pay scale w.e.f. 01.01.2006 with interest. This writ petition was disposed of vide order dated 15.02.2012 (Annexure P-1) by giving directions to the respondents to finalize the claim of the petitioner within a period of one month. Despite the said order, the respondents had not granted the benefits to the petitioner. The petitioner, thereafter, filed Contempt petition i.e. COCP No. 2024 of 2012, wherein learned State counsel had stated that in view of the order dated 27.09.2012 passed by the Excise & Taxation Commissioner, Panchkula, Haryana, the benefit of past service towards pension had been granted to the petitioner and all consequential benefits i.e. pension and other pensionary benefits would be paid to him within one month. In view of the aforesaid statement, the contempt petition had been rendered infructuous and was disposed of as such on 01.10.2012 (Annexure P-2). Despite the aforesaid order, the respondents had not released entire due amount to the petitioner even though, he had made a number of representations and legal notice. Compelled with the circumstances, he filed CM No. 8514-CII of 2014 dated 5.5.2014 for revival of COCP No.2024 of 2012. Upon notice, the respondents filed reply dated 24.06.2014 (Annexure P-10) to the contempt petition. Thereafter, the application for revival of the contempt petition was dismissed on 07.07.2014 (Annexure P-11) in view of the affidavit given by the Excise and Taxation Commissioner, Panchkula, Haryana, wherein it had been stated that all the pensionary benefits i.e. pension, leave encashment, GIS, Gratuity had been released to the petitioner. However, no interest on the delayed payment of retiral benefit was given to the petitioner.

In the written statement filed on behalf of respondent Nos.1 to 3, it has been reiterated that there was no delay on the part of the respondent-department to release the benefits to the petitioner. Hence, is not entitled to any interest on the payment of retiral benefits.

After hearing learned counsel for the parties and going through the contents of the petition and written statement, this petition deserves to be allowed as the respondents have not disputed that after retirement of the petitioner on 30.09.2007, the payment has been made to him as per the details given as under:-

| ***Sr. No.*** | ***Particulars*** | ***Amount in Rs.*** | ***Date of deposit*** | ***Period of delay*** |
|---|---|---|---|---|
| 1 | Arrear of Pension | 474174/- | 15.01.2013 | 5 Years, 4 months |
| 2 | Leave Encashment | 94918/- | 16.11.2012 | 5 Years, 2 months |
| 3 | Fixed Medical Amount | 32420/- | 14.06.2013 | 5 Years, 9 months |
| 4 | Gratuity | 199095/- | 02.05.2016 | 6 Years, 7 Months |
| 5 | GPF | 139908/- + 102557/- | 19.11.2012 | 5 Years, 1 Months |

There is no justification for denying the payment of interest on delayed payment to the petitioner in view of the judgments passed by the Hon'ble Supreme Court in ***'D.D. Tewari vs. UHBVN, 2014 (4) SCT 128 and Megh Varan Sharma vs. State of Punjab and others 2015(1) SCT 12'.***

Resultantly, the impugned order dated 11.06.2015 (Annexure P-16) is set aside and the respondents are directed to make payment of interest on the delayed payment to the petitioner at the rate of 9% per annum w.e.f. 01.01.2008 till its actual realization.

Allowed accordingly.

**(RITU BAHRI)**
**JUDGE**

**May 31, 2016**
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