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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24031 of 2014 (O/M)
Date of decision : 3.8.2016

Surinder Kumar

..... Petitioner (s)

Versus

State of Punjab and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Aseem Kataria, Advocate, for,
Mr. Vishal Sharma, Advocate, for the petitioner.

Mr. R.S. Pathania, Deputy A.G. 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 father of the petitioner had retired from service on 30.4.2011 as Panchayat Secretary, Block Fazilka. However, he died on 6.5.2013. No retiral benefits were paid to him including the gratuity. On inquiry, the petitioner was told that some inquiry was pending, in which the father of the petitioner was exonerated on 29.11.2011. Nothing was paid and consequently, the present writ petition was filed in the year 2014.

The respondents were directed to file an affidavit regarding payment. Today, reply by way of affidavit of Shri Surinder Singh Dhillon, District Development and Panchayat Officer, Fazilka, on behalf of respondents No. 1 to 3, has been filed in Court and the same is taken on record. The payments, which have been released to the father of the

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petitioner before his death, are as under :-

"Sr. No.	Amount	Cheque No.	Date	Purpose of payment
1.	293630.00	617940	01.06.2011	Leave Encashment
2.	123000.00	913013	17.11.2011	CPF Payment
3.	95797.00	341577	05.03.2013	CPF Payment
4.	22428.00	625010	02.03.2012	40% pay scale arrear
5.	48344.00	625037	19.04.2012	30% pay scale, DA 1/2006 to 31/07/2009 and 1/2000 to 7/2009
6.	251302.00	621457	21.06.2012	C.P.F. Samiti sent to Share Government
7.	16821.00	994903	04.10.2012	30% pay scale"

The remaining benefits, which have been released, are as under :-

"Sr. No.	Amount	Cheque No.	Date	Purpose of payment
1.	471636.00	588201	26.04.2016	For Gratuity
2.	12150.00	588207	10.05.2016	Leave Encashment and arrear"

The father of the petitioner had retired from service on 30.4.2011 and according to the stand of the respondents, one inquiry was pending, in which the father of the petitioner was exonerated on 29.11.2011. The pendency of the inquiry was no ground to withhold all the benefits. He was to be released provisional pension.

In view of the matter, it is clear that the payments were released with delay. No provisional pension was released. As such, the legal heirs of the deceased employee Roshan Lal are entitled to interest at the rate of 9% per annum, starting three months from the date of his retirement till the

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date of actual payment. The department shall verify the legal heirs of the deceased employee and release them the interest part within three months from the date of receipt of copy of this order.

The present writ petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

3.8.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No