

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

Date of decision: 18.02.2016

CWP No.4101 of 2013

Ghansham Dass

...Petitioners

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Nitesh Singhi, for the petitioner.

Dr. Puneet Kaur Sekhon, Additional Advocate General, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

1. Having regard to the admission made in the written statement of the State in para. 3 of the preliminary submissions read with Annex R-3/2, the only impediment in the way of the petitioner from entitlement to relief prayed for stands removed, when the charge-sheet served on him was dropped in the year 2009 even before the petitioner retired from service on attaining the age of superannuation on 30th April, 2011. This position, which is evidenced by the document dated 20th February, 2009, endorsed on 3rd March, 2009. Meaning thereby, the petitioner on the date of retirement was entitled to pension and pensionary benefits including gratuity, leave encashment etc. without any obstacles in his way. The State department committed a blunder in withholding money due on a premise which stood effaced by its own act of dropping departmental proceedings. Therefore, wherever payments in respect of retiral benefits have been made with delay, interest on sums due should

accrue from the date of retirement till the date of payments under different heads of account at the rate of 12% per annum simple.

2. The State is thus directed to compute the period of delay in payments of retiral dues by adding the element of interest as ordered and the amounts so calculated be paid to the petitioner within two months from the receipt of the certified copy of the order. However, before doing that, the State would supply a calculation sheet to the petitioner to confirm his satisfaction that the interest has been correctly worked out before disbursement.

3. With these directions on for the above recorded reasons, the instant petition is allowed with respect to claim for interest on delayed payments representing money legally due on the date of retirement and wrongfully withheld. The State will remain at liberty to claim recovery of interest amount due under this order from erring officers who acted in breach of law paying scant regard to the owner and compelling him to knock at the doors of this Court.

[RAJIV NARAIN RAINA]
JUDGE

18.02.2016
Vimal