

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.27512 of 2015

Date of decision: 11.1.2016

Dalbir Singh

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Arun Gosain, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks a direction to the respondents for the payment of penal interest @ 12% per annum on the delayed payment of arrears of retiral benefits in view of Full Bench judgment of this Court in **A.J.Randhawa Vs. State of Punjab 1998(1) S.C.T. 343.**

It is the case of the petitioner that he had retired from the post of Draftsman on 30.4.2012 and his retiral dues were not paid within time. Various representations had been made and approval was given on 17.6.2013 (Annexure P/9) regarding the payment of ₹ 9,01,940/- on account of General Provident Fund by respondent no.2. He thereafter served a legal notice dated 16.9.2013(Annexure P/10) claiming the said payment and revised amount of gratuity amounting to ₹ 34023/- and amount of Group Insurance Scheme along with interest. Two amounts pertaining to General Provident Fund and Gratuity were paid on 4.10.2013 and 24.10.2013 respectively as per letter dated 14.11.2013 (Annexure P/11). The amount of Group Insurance Scheme was still to be paid on that date.

It is further submitted that subsequently the said amount has also been paid. It is accordingly contended that in view of the law settled by the Full Bench of this Court in **A.S.Randhawa's case** (supra), the

petitioner is entitled for the interest but the respondents have avoided the payment of interest element.

Notice of motion.

Mr. R.S.Sidhu, Assistant Advocate General, Punjab accepts notice on behalf of respondents. Copies of the writ petition have been supplied to him.

Keeping in view the limited relief sought by the petitioner, this Court is of the opinion that there is no requirement of calling for any reply on behalf of the State.

Accordingly, the present writ petition is disposed of with a direction to respondent no.2 to take a decision on the issue of interest element on account of delayed payment of retiral dues in view of the law laid down by the Full Bench of this Court in **A.S.Randhawa's case** (supra) within a period of two months from the date of receipt of a certified copy of this order. In case the interest amount is not paid and the petitioner is found entitled for the said benefit, the same be paid to him within one month from the date of the decision of respondent no.2. In case any adverse order is to be passed then a reasoned order be passed by the said respondent and be conveyed to the petitioner.

The present writ petition is disposed off with the aforesaid directions.

January 11, 2016
Pka

(G.S.SANDHAWALIA)
Judge