

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.3428 of 2015

Date of Decision:- 26.05.2016

Rajkishan

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Narender Singh Kamboj, Advocate
for the petitioner.**

Mr. Ravi Partap Singh, Assitt. Advocate General, Haryana.

None for respondent No.3.

**Mr. Rajvir Singh Sihag, Advocate
for respondent No.4.**

RITU BAHRI, J. (Oral)

Petitioner is seeking directions to the respondents to pay interest on the delayed payment for the period from 01.08.2012 to 28.10.2013 for the principal amount of ₹4,15,560/-.

Petitioner has retired on 31.07.2012 after serving respondent Nos.3 and 4. Petitioner has served respondent No.3 w.e.f. 05.06.1981 till 24.01.1994 and thereafter he was appointed as Clerk with respondent No.4 on 27.10.1994 and has got retirement on superannuation on 31.07.2012.

Notice issued to respondent No.3 has been served but none has put in appearance.

In paragraph No.6 of the writ petition, the petitioner is claiming benefit of interest on delayed payment of retiral benefits of ₹4,15,560/-, which was given to him after a long period on 28.10.2013 by respondent No.3. Since respondent No.3 despite service has not put in appearance, therefore, it is held that the petitioner is entitled for payment of interest @ 9% per annum on the said amount w.e.f. 01.11.2012 till 28.10.2013.

Second prayer is restricted to the payment of ₹3,68,841/- towards gratuity which was made by respondent No.1, vide order dated 28.10.2012 (Annexure R-4/1). Since this payment has been paid to the petitioner within three months from the date his retirement, thus, he is not entitled for interest on the said amount.

Subsequently, respondent No.4 has been paid a sum of ₹2,06,004/- towards leave encashment to the petitioner, vide order dated 14.03.2013 (Annexure R-4/2). Hence, on this amount, a direction is given to respondent No.4 to make payment of interest @ 9% per annum from 01.11.2012 to 14.03.2013.

With the above said observations, the present writ petition stands disposed of.

May 26, 2016
naresh.k

(**RITU BAHRI**)
JUDGE