

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4807 of 2016 (O&M)
Decided on : 30.03.2016

Nazar Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present : Mr.Vikas Chatrath, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

CM-3829-2016

Application for placing on record additional affidavit along with Annexures P4 & P5 and exemption from filing the certified copies of the same, is allowed. Same is taken on record. Office to tag the same at appropriate place.

Main case

Petitioner seeks the benefit of the retiral dues. However, in view of the additional affidavit filed today, it is not disputed that the retiral dues have been paid to him, as per the details given as under:

Name	Date of Retirement	Dates of release of pensionary benefits alongwith date of sanction
Nazar Singh	31.10.2015	(i) Gratuity of Rs. 10.00 lac though was sanctioned on 19.08.2015 and became payable on 01.11.2015 but was paid on 16.03.2016. (ii) Leave encashment of Rs. 5,06,220/- was credited in account on 16.03.2016. (iii) GPF amounting to Rs.20,53,037/- though was sanctioned on 19.12.2015 but was credited in account on 10.03.2016.

The grouse of the petitioner is that he retired as Lecturer (English) and in view of the judgment of the Full Bench in the case of **A.S.Randhawa Vs. State of Punjab & others 1997 (3) SCT 468**, he is entitled for interest for the delayed payment, beyond a period of 2 months. It is, accordingly, the case of the petitioner that the amounts were paid beyond the said period and he is entitled for the interest element on a sum of Rs.35,59,257/- which had become payable and has been released to him.

Counsel for the petitioner submits that the petitioner would be satisfied if a direction is given to respondent No.2 to decide the issue of interest, within a fixed time-bound frame.

Notice of motion.

Mr.R.S.Sidhu, AAG, Punjab accepts notice on behalf of respondents No.1 to 3. Copy of the paperbook has been supplied to him.

Keeping in view the limited relief sought, this Court does not feel it necessary to ask the respondents to file reply.

Accordingly, without commenting upon the merits of the case, the present writ petition is disposed of, with a direction to respondent No.2 to decide the said issue regarding the entitlement of the petitioner for interest on the delayed payment of his retiral dues, in view of the judgment of the Full Bench in **A.S.Randhawa's case** (supra). In case there is no legal impediment, the benefit of interest on the delayed payment of the retiral dues be disbursed to him, within a period of 2 months from the date of receipt of the certified copy of this order. In case the amount is to be denied, a speaking order be passed and the same be conveyed to the petitioner.

MARCH 30, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE