

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

Date of decision: 18.03.2016

CWP No.5241 of 2016

Gurwinder Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Jagdeep Bains, Advocate, for the petitioner.

1. To be referred to the Reporters or not?

2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (ORAL)

1. The Accounts Officer, at Jugial has replied to the legal notice served on behalf of the petitioner on 3rd December, 2015 admitting that the amounts outstanding towards GPF, Gratuity & GIS to the tune of Rs.6,62,331/, Rs.8,29,422/- and Rs.11,516/- respectively remain pending payment while the other dues stand paid.

2. The petitioner retired from service on 31st July, 2015. This petition has been filed to claim directions to pay the amounts, which are admitted, but not paid. The claim in addition is also for payment of interest on the pending amounts not paid and the amounts paid late.

3. Notice of motion be issued to the respondents.

4. On the asking of the Court, Mr. Inqulab Nagpal, AAG, Punjab, accepts notice on behalf of the respondents and waives service on them. A requisite number of paper-books have been handed over to Mr. Nagpal in court by Ms. Jagdeep Bains, who has perused the same.

5. Since the amounts in respect of GPF, Gratuity & GIS are admittedly due and payable; the present case cannot be seen in the position of contesting the petition. It can only be reminded that the pension and pensionary benefits are property of the employee, which can be withheld only by procedure established by law. As far as the amounts lying in GPF is concerned, those are part of salary and cannot be touched even with a bargepole

6. As a result of the above reasons recorded, this writ petition is allowed. A mandamus is issued to the respondents and particularly respondents No.2 & 5 to release the amounts due to the petitioner within 30 days from the date of receipt of a certified copy of this order. The petitioner would have a right to earn interest at the rate of 9% per annum on delayed payments not only on what remains to be paid, but what has been paid and those amounts to be counted from expiration of a period of three months from the date of retirement till realization.

[RAJIV NARAIN RAINA]
JUDGE

18.03.2016
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