

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6199 of 2015

Date of Decision: 18.01.2016

Avinash Chander

... Petitioner

Versus

The Municipal Corporation, Pathankot

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Harit Sharma, Advocate,
for the petitioner.

Mr. Neeraj Sharma, Advocate,
for the respondent.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

1. Heard Mr. Harit Sharma, learned counsel appearing for the petitioner and Mr. Neeraj Sharma, learned counsel appearing for the respondent.

2. The prayer for extension in service does not merit acceptance since the Municipal Corporation, Pathankot is in financial doldrums facing a deficit of Rs. 19 crores and therefore it has not granted extension to any superannuating Tubewell Operator to add to the crisis, the post on which the petitioner worked. The contention based on discrimination is also not worthy of consideration since equals have been treated alike and across board the Corporation has not granted any extension to similarly situated persons.

3. In the present case, discrimination would have to be measured from the standpoint of the separate cadre of Tubewell Operators and not vice other employees.

4. However, as far as the pensionary dues and other retiral benefits are concerned, Mr. Neeraj Sharma, learned counsel appearing for the respondent submits that the process of computation of money due is complete and the petitioner is required only to complete the necessary formalities for receiving the monetary benefits, other than gratuity and leave encashment which have been released in favour of the petitioner. The petitioner retired on reaching the age of superannuation on February 28, 2015.

5. Nevertheless, the delay in payment of gratuity, leave encashment and other financial benefits arising upon retirement would earn interest at Bank rates admissible on Fixed Deposit Receipts. This would be in view of the law laid down by the Full Bench in **A.J. Randhawa vs. State of Punjab**, 1998 (1) SCT 343. The petitioner would complete the paper formalities within a week from receipt of order and thereafter the remaining dues would be paid to him within a fortnight, failing which the petitioner would remain at liberty to apply for revival of this petition for appropriate orders, if required.

6. The petition stands disposed of on the statement made by Mr. Neeraj Sharma on instructions received as noted above.

(RAJIV NARAIN RAINA)
JUDGE

18.01.2016

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