

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.5674 of 2016
Date of decision : 12.12.2016

Rakesh Kumar Mahajan

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. C.M.Chopra, Advocate,
for the petitioner.

Mr. Vandana Malhotra, Additional Advocate General, Punjab,
for the respondents.

KULDIP SINGH J. (ORAL)

The petitioner retired as Assistant Project Officer (Monitoring), Gurdaspur, on 31.01.2014 after attaining age of superannuation of 58 years. The claim of the petitioner is for grant of interest on the delayed payments of retiral benefits. According to the petitioner his Leave Encashment and Contributory Provident Fund amounting to Rs.7,14,800/- and Rs.95,376/-, respectively, were paid on 02.12.2015, whereas his Gratuity amounting to Rs.10,00,000/- was paid on 06.02.2015.

In the reply, it is stated that dues could not be released to the petitioner due to non-availability of the funds. It is also stated that the release of some payment was made vide Cheque No.268784 dated 31.03.2016. It is further stated by learned counsel for the petitioner that the said payment was with regard to some other arrears before the retirement.

I have heard learned counsel for the parties and have also carefully gone through the file.

Admittedly, in this case the retiral benefits in the form of Leave

Encashment, Gratuity and Contributory Provident Fund were paid with delay. Therefore, as per the Government's instructions itself, the Government is liable to pay the interest. As such, the present writ petition is allowed. Respondents are ordered to pay interest at the rate of 9% per annum on the delayed payments starting three months from the date of retirement till the date of payment. The interest on the delayed payments will be released within three months from the date of receipt of certified copy of this order.

12.12.2016
adhikari

(KULDIP SINGH)
JUDGE

Whether speaking/reasoned : ***Yes/No***

Whether Reportable : ***Yes/No***