

IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH

CWP No.7322 of 2015 (O&M)

Date of decision: 01.08.2016

Kewal Krishan

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. R.K.Arora, Advocate, for the petitioner.

Mr. T.N.Sarup, Addl.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

The petitioner has approached this Court by way of filing the present writ petition with the grievance that he retired from service on 31.05.2011 on attaining his age of superannuation while working on the post of officiating Headmaster. There was no complaint/charge-sheet against him and no disciplinary proceedings were pending at the time of retirement, still retiral benefits were not released to him in spite of making various representations.

In response to notice of motion, reply has been filed.

Learned counsel for the petitioner submits that there was a long delay in release of the payment, hence, he is also entitled to interest.

Learned State counsel submits that the present petition has become infructuous as all benefits including entire amount of gratuity, leave encashment, GPF and GIS have been released to the petitioner and the petitioner is not entitled to interest.

Heard, learned counsel for the parties and have also perused the documents on the file.

As per reply filed by way of short affidavit by Dinesh Kumar, District Education Officer, (SE) Shaheed Bhagat Singh Nagar, on behalf of respondents No.1 to 4, the case of the petitioner was forwarded to the office of Director Public Instruction vide office letter dated 25.08.2010 and subsequently, reminders dated 16.09.2013, 12.02.2015 and 15.05.2015 were also sent.

The matter was in the active consideration of the respondent-department. Subsequently, GPF amounting to ₹12,13,086/- was released to the petitioner on 26.08.2011; an amount of ₹6,32,566/- was paid on 31.03.2012 towards DCRG and revised DCRG amounting to ₹17,193/- was paid on 07.07.2015 (Annexure R-5) and revised DCRG amounting to ₹70,285/- was paid on 23.07.2015 (Annexure R-6) to the petitioner. An amount of ₹2,44,233/- towards leave encashment was paid to him on 23.03.2012 and ₹34,106/- was paid to him on account of GIS on 26.08.2011.

In view of the facts as mentioned above, there is a delay in releasing the retiral benefits to the petitioner as he has retired on 31.05.2011. Accordingly, the respondents are directed to pay interest at the rate of 8% per annum after expiry of three months from the date of retirement till the date of release of the amount.

Disposed of.

01.08.2016
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes / No

Whether reportable

Yes / No