IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 27.04.2016

CWP No.7737 of 2015

Sukhcharanjit Kaur ...Petitioners

Vs.

State of Punjab & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. K.S.Boparai, Advocate, for the petitioner.

Mr. Nikhil K. Chopra, Addl. AG, Punjab.

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

RAJIV NARAIN RAINA, J. (ORAL)

The sole question left in this matter to be decided is: whether interest is to be granted as of right on the balance of GPF amounts lying in the petitioner's account which were paid after unreasonable delay.

The petitioner retired from service on 30.06.2013. The GPF amount was paid along with interest calculated up to 30.11.2013. The claim in this petition is for interest beyond 30.11.2013 till it was actually paid.

In para. 3 of the written statement filed by the State, it is conceded position that the GPF balance of Rs.10 lacs and odd was submitted to the District Treasury Office, Ludhiana on 29.01.2014, but the Punjab Government had stopped payments. Therefore, the payment papers could not be passed by the Treasury Office, Ludhiana and the bill became time barred and had to be revalidated w.e.f. 21.11.2014. It was, thereafter, the bill was revalidated and submitted to the Treasury Office again on 02.12.2014 and the amount was paid on 10.01.2015. The State in the written statement says that the delay is not intentional or willful, but due to circumstances beyond its control.

This is not a correct view of the events that took place after 30.11.2013 over which the petitioner had no control and cannot be faulted for the delay caused by the respondents. On account of this, the petitioner would in the considered opinion of the Court become entitled to interest on delayed payments of GPF dues.

As a result, the present writ petition is allowed. A mandamus is issued to the respondents to pay interest at the rate admissible on GPF amounts when in live savings before retirement. Hence, the same rate deserves to be applied to the principal amount available on 30.11.2013 together with the interest calculated up to that date and paid to the petitioner. Accordingly, payment is directed to be made within two months from the date of receipt of certified copy of this order. It is made clear that the principal amount as on 30.11.2013 includes interest [as informed by the State counsel] and thereafter interest will accrue on GPF plus interest as ordered. Meaning thereby, GPF+Interest already paid as on 30.11.2013 will earn further interest on the aforesaid consolidated amount till payment. The amount be calculated and paid within 6 weeks to the petitioner.

27.04.2016 [RAJIV NARAIN RAINA]
Vimal JUDGE