

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

CWP No. 6991 of 2016
Date of decision: 12.04.2016

Dr. Vandana Chadha

....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Randeep Singh, Advocate,
for Mr. Vipin Mahajan, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the benefit of interest @ 12% on the delayed amount of GPF and leave encashment amounting to ₹44,00,000/- (approx), which was paid to the petitioner after a delay of 8 months since the petitioner retired on 30.06.2015 as Senior Medical Officer.

It is the case of the petitioner that at the time of retirement, only her gratuity amount and monthly pension was paid and the amounts under the heading of leave encashment and GPF was delayed. She had served a legal notice dated 04.12.2015 (Annexure P-3) upon the respondents. Thereafter, an amount of ₹17,12,580/- was received on 12.02.2016 whereas, another amount of ₹26,73,713/- was released on 03.03.2016. Reliance has been placed upon the entries made in the bank account (Annexure P-5). It is accordingly submitted that for the delayed payment beyond the period of two months from the date of retirement, the petitioner is entitled to interest in view of the Full Bench judgment of this Court in ***A.S.Randhawa Vs.***

State of Punjab & others 1997 (3) SCT 468.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents. Copy of the writ petition has been supplied to him in Court.

Keeping in view the limited relief sought, this Court is of the opinion that there is no need for the respondents to file reply.

Accordingly, without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent no. 2 to decide the legal notice dated 04.12.2015 (Annexure P-3) on the question of delayed release of retiral benefits within a period of 2 months from the date of receipt of certified copy of the order. If the amount of interest is found to be due as per the judgment in *A.S. Randhawa's case (supra)* and there is no legal impediment, the same shall be paid to the petitioner within a period of 2 months thereafter. Needless to say if the relief is to be denied, a reasoned order be passed and conveyed to the petitioner.

12.04.2016
shivani

(G.S. SANDHAWALIA)
JUDGE