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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 786 of 2015 (O/M)
Date of decision : 1.12.2016

Krishna Devi .... Petitioner (s)

Versus

State of Punjab and others .... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Sharma Budhladawale, Advocate, for the petitioner.

Mr. Anshul Gupta, Assistant A.G. Punjab.

Mr. Vishal Sodhi, Advocate, for respondents No. 5 and 6.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The petitioner joined as JBT teacher on 24.1.1978 in Government Primary School, FF Nangal Township, Ropar, under the Education Department of Punjab Government. She retired from Government Model Middle School, Sector-45-A, Chandigarh, on 31.8.2013, while on deputation with the Chandigarh Administration. The petitioner claims that after her retirement on 31.8.2013, the retiral benefits in the shape of gratuity, general provident fund and leave encashment were paid late. Admittedly, it is the liability of the Punjab Government to pay the retiral benefits.

In the reply, regarding pension, the respondents have taken the stand that the pension papers were submitted on 25.9.2013. However, the petitioner had submitted copy of the letter obtained under the Right to

Information Act, 2005, which shows that her papers were sent by the Incharge of Government Model Middle School, Sector-45-A, Chandigarh, on 5.8.2013. The pension was required to be released within three months from the date of superannuation. Since it was released late, therefore, the petitioner is entitled to interest on pension, starting three months from the date of retirement till payment.

The State has tried to explain the delay. Regarding the general provident fund and gratuity, the following stand has been taken by respondents in the reply :-

> "3. .... Sanction of General provident fund was issued by respondent No. 3 on 9.12.2013 (copy attached as annexure (R1/1). After that General provident fund Rs. 879939/- was computerized on line for payment on 16.12.2013 in time by respondent No. 3. Then it was sent to Treasury Office on 19.12.2013, but objection was raised by Treasury Officer and returned to the office of respondent No. 3 for correction. Objection was removed on 26.2.2014. Then it was again sent to Treasury Office for payment on 14.3.2014. Treasury Office could not clear the payment up to 31.3.2014 due to stoppage of payment by the Punjab Government due to financial over drawing in the Punjab State. But again objection was raised by treasury office on 12.5.2014 with direction to revaluate the sanction. Sanction was revaluated on 21.7.2014 and bill was computerized on line for payment on 21.7.2014 and then it was sent to Treasury Office on 5.8.2014. General provident fund was credited in the petitioner account on 9.8.2014. ...."

In this way, the revised gratuity and general provident were released only on 9.8.2014.

After hearing the learned counsels for the parties, I am of the view that for the procedural delay, the Government is to blame itself. The petitioner cannot be denied the interest for the same. It is for the Government to evolve their own procedure to cut short the delay.

In view of the matter, the petitioner is also entitled to interest at the rate of 9% per annum for delayed payments of general provident fund and gratuity, starting three months from the date of retirement till the date of payment.

The present writ petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

1.12.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No