

**FAO No. 9724 of 2014
214**

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

**FAO No. 9724 of 2014 (O&M)
Date of Decision: 28.07.2016**

BUDH RAJ

... Petitioner

VS.

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. K.L. Dhingra, Advocate,
for the petitioner.

Mr. P.S. Poonia, Advocate,
for the respondents.

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?

KULDIP SINGH (J.)

The short question involved in the present case is regarding recovery of the amount withheld from the leave encashment and gratuity to the tune of ₹ 1,00,104/- and ₹ 23,268/- respectively out of the arrears on account of retirement and also for payment of interest on delayed payment of retiral benefits.

The respondent have taken the stand that the retiral benefits have been paid.

The petitioner in this case was working as Junior Engineer (Field) and has retired on 30.09.2010. It comes out that the retiral benefits were paid in July and August 2011 i.e. after some delay as coming out from Annexure P1 to Annexure P-3.

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The petitioner has also placed on file the photocopy of the letter dated 01.09.2015 obtained under the RTI Act which shows that the said amount was withheld. Though, the respondent in the written statement has taken the plea that the entire payments were made.

After hearing both the parties and after going through the aforementioned document, I am of the view that the petitioner is entitled to the said amount so withheld without assigning any reason.

Accordingly, the respondents are directed to pay Rs. 1,00,104/- which was withheld from the gratuity amount and Rs. 23,268/- which was withheld from the arrears of leave encashment alongwith the interest @ 9% per annum from the date the amount was withheld till payment.

So far as the interest on the late payment of the retiral benefits is concerned, undisputedly for the delayed payment the petitioner is entitled to interest also. The department was supposed to start the completion of formalities six months before the date of retirement. Since the payment of retiral benefits were made with delay, therefore, the respondent shall be liable to interest @ 9% per annum starting from 30.12.2010 till the amount is paid.

Accordingly, the petition stands allowed

July 28, 2016

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

✓

Whether speaking / reasoned

Yes / No

✓

Whether Reportable

Yes / No