

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.4759 of 2012
Date of Decision:- 27.08.2016.

Dr. Prem Kumar Gupta

.....Appellant

Versus

The Director Health and Family Welfare Punjab Pariwar Kalyan Bhawan
and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Prateek Gupta, Advocate for the appellant.

Mr. Neeraj Yadav, AAG, Punjab.

P.B. BAJANTHRI, J. (Oral)

1.) The appellant has questioned the order of the Trial Court dated 1.2.2011 and Appellate Court order dated 9.5.2012. The appellant was in the cadre of Senior Medical Officer in the Department of Health and Family Welfare, State of Punjab. On 31.10.2002, he has attained the superannuation and retired from service. His retiral benefits were settled belatedly which is as follows:-

<i>S.No.</i>	<i>Description of Amount Due</i>	<i>Date of Payment</i>	<i>Delay</i>	<i>Amount claimed</i>
1	LEAVE ENCASHMENT	22.01.2003	2 months & 20 days	₹ 12,652/-
2	GPF	25.02.2003	3 months & 25 days	₹ 32,225/-
3	GRATUITY	26.05.2003	6 months & 25 days	₹ 35,901/-
4	PENSION	05.06.2003	7 months & 5 days	₹ 3,618/-

2.) For belated settlement of retiral benefits, he approached the Trial Court by filing a suit. Trial Court rejected his claim. Thereafter, he approached the Appellate Court. The Appellate Court also rejected his claim. Thus, he has presented this appeal. Short question for consideration is whether the appellant is entitled for interest on belated settlement of retiral benefits or not. It was noticed that the appellant was a drawing and disbursing officer. As per Rule 9.6 of the Punjab Civil Service Rules, Volume-II, he has to forward retirement papers along with service particulars of those employees who were working under him as and when employees are due for retirement within a period of six months, so also the appellant himself. The appellant failed to comply Rule 9.6 of the Punjab Civil Service Rules, Volume-II in his own case i.e. he should have sent his pension related papers in the month of March/April 2002 for the reasons that he was due for retirement on 31.10.2002. He sent pension related papers only on 8.8.2002. Therefore, there is a delay on his part in not sending the pension papers and not complying the Rule 9.6 of the Punjab Civil Services Rules, Volume-II. The concerned respondents after scrutinizing the pension papers of the appellant have found that there were certain objections relating to counting of *ad hoc* service which was rectified only in the month of May, 2003. Therefore, delay cannot be attributed to respondents. In fact, delay is on the part of the appellant. Moreover, perusal of the dates and events relating to submission of pension papers, disbursement of retiral benefits are concerned, leave encashment has been disbursed on 22.1.2003 i.e. prior to objections relating to counting of *ad hoc* service so also GPF on 25.2.2003, gratuity and pension were disbursed in the month of May and June, 2003, respectively. Therefore, the appellant

has not made out a case so as to interfere with the orders passed by the Trial Court and Appellate Court.

3.) Appeal stands dismissed.

(P.B. BAJANTHRI)
JUDGE

August 27, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.