

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**  
**RSA No. 1599 of 2013 (O&M)**  
**Date of decision: 20.12.2016**

**The Managing Director, (Punsup), Chandigarh**  
**and another**

**...Appellants**

**V/s.**

**Kirpal Singh and others**

**...Respondents**

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

Present: Mr. S.S. Brar, Advocate for the appellants.

Mr. P.K. Bansal, Advocate for the respondents.

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**P.B. BAJANTHRI, J. (Oral)**

In the instant appeal, the appellants have questioned the validity of the appellate Court order dated 04.10.2012. Respondent-workman retired as a Chowkidar in the appellants' Corporation on 31.07.2004. His retiral benefits were not settled timely. Therefore, he filed a suit on 18.07.2005. Suit was decreed. Thus, the appellants' Corporation preferred an appeal before the appellate Court. The appellate Court modified the decree on 04.10.2012 to the extent of interest of 12% per annum on belated payment. Hence, the present appeal.

Learned counsel for the appellants submitted that Corporation has not adopted the pension rules. It has adopted only discipline, penalties and appeals rules viz. Punjab Civil Services (Punishment and Appeal Rules) 1970. Thus, the respondent-workman is entitled to only GPF. Relating to GPF of respondent-workman, the appellants have processed the relevant papers as and when he was retired. But there were certain objections in the papers and were re-submitted on 21.03.2004. Thereafter, during the pendency of the suit, on 11.10.2005 GPF amount was disbursed to the respondent-workman. Therefore, there is no delay on the part of the

appellant-Corporation. It was further submitted that GPF Commissioner has not been arrayed as respondent before the lower Courts and appellant is not liable to pay interest, if any, on the belated settlement of GPF amount.

On the other hand, learned counsel for the respondents submitted that the appellant-Corporation has not submitted papers as and when the respondent-workman retired on 31.07.2014. Thus, there is a delay on the part of the appellant-Corporation. Hence, the appellant-Corporation is liable to pay interest on the belated settlement of GPF amount. Hence, there is no infirmity in the orders passed by the appellate Court dated 04.10.2012. The appellants have not made out the case so as to interfere with the appellate Court order.

Heard learned counsel for the parties.

Short question for consideration in the present appeal is whether the respondent-workman is entitled to interest on belated settlement of GPF amount or not. Admittedly, the respondent-workman retired on 31.07.2004. The relevant papers for the purpose of granting GPF was processed by the appellant-Corporation on 21.12.2004 and the GPF Department released the amount on 11.10.2005. The respondent-workman has not arrayed GPF Commissioner as party so as to fix the liability in respect of belated settlement of GPF amount. Further it is to be noticed that there is delay on the part of the appellant-Corporation from 31.07.2004 to 21.12.2004. Therefore, the appellant-Corporation is directed to pay interest @ 12% per annum. In fact there are Government orders which direct the concerned authority to submit retiral documents before the retirement of employees in advance. If the orders are taken into consideration, it is evident that there is lapse on the part of the appellant-Corporation.

Therefore, they are liable to pay interest @ 12% per annum during the period from 31.07.2004 to 21.12.2004 to the respondent-workman. The same shall be calculated and disbursed within a period of three months from today and to the extent the order dated 04.12.2004 passed by the appellate Court is modified.

Appeal stands disposed of.

December 20, 2016

( P.B.BAJANTHRI)  
JUDGE

Divyanshi

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |